What people in power think of our children

This is an exchange of correspondence between ELC and all concerned with powers to protect children from emotional and physical abuse taking place when in care or under Social Services control and or under private and public law proceedings. Please note: the Commissioner for Children for England and also DCSF (in charge of children) did not believe that they are under no obligation to respond although the correspondence was addressed to them. Gordon Brown MP and John Hemming MP wrote to DCSF and Children's Commissioner requesting at least an acknowledgment but it is now over three weeks and as yet we have not received any response.

We have tried very hard to show the President of the Family Court of abuses by Judges by reviewing 9 cases involving families, children and parents and all he did was to say that "the President asks that this correspondence should cease". We even said that if our analysis is wrong than he should charge us for bring the administration of justice into disrepute.

Whilst ELC does not advocate breaking the law and or intimidating any one it raises the question what else can an ordinary law abiding citizen do when faced with an unaccountable judiciary, lacking transparency. Furthermore the press is reluctant to intervene.

Readers are asked to draw their own conclusions but bear in mind that the President of the Family Court had more time in writing a reference of good character for the Barrister who becomes first barrister to be jailed for perverting justice (Steven Morris, Thursday September 20, 2007, The Guardian).

People who have been victims of the secret Family Courts will disagree that it is rare case but more of case that he got caught. Our own findings show agrees with sentiments.

Children who started to be looked after during the year ending 31 March 2006 and who were subject to a care order, by category of need[1,2,3,4]

England — numbers and percentages

Category of need	numbers		percentages	
	Children who started to be looked after for any reason	Children who started to be looked after subject to a care order	Children who started to be looked after for any reason	Children who started to be looked after subject to a care order
All Children[2]	**24,200**	**4,200**	***100***	***100***
Abuse or neglect	11,400	3,100	*47*	*74*
Disability	790	50	*3*	*1*
Parents illness or disability	1,500	190	*6*	*5*
Family in acute stress	2,800	260	*12*	*6*
Family dysfunction	3,100	470	*13*	*11*
Socially unacceptable behaviour	1,300	30	*5*	*1*
Low income	60	10	*0*	*0*
Absent parenting	3,300	70	*14*	*2*

1. Only the first occasion on which a child started to be looked after in the year has been counted.
2. Figures exclude children looked after under an agreed series of short term placements.
3. Figures are taken from the SSDA903 return.
4. For the purpose of preserving confidentiality, figures greater than 1000 have been rounded to the nearest 100 and figures less than 1000 have been rounded to the nearest 10. As a result, totals may differ to the sum of their components.

PRESIDENT OF THE
FAMILY DIVISION

MS AYOOLA ONATADE
CLERK TO THE PRESIDENT OF THE FAMILY DIVISION

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30 August 2007

Dear Dr Badsha

The President acknowledges receipt of your letter dated 24 August 2007 in which you express disappointment at the content of his letter of 31 July in which he explained that he has no power to set up the independent enquiry which you seek. He does not accept that his statement to that effect involves any inconsistency with what he has said previously. Indeed, on his behalf I made the position quite plain in his first letter to you dated 7 June 2007 in which I stated:

> "As head of the Family Division he is its principal judge and his functions, apart from administering the Division, are of a judicial rather than an investigatory nature; nor does he have any regulatory powers in relation to Child Care."

When replying on 31 July to your letter of 16 July, the President made no reference to the detailed content of your letter. However, for the record, he rejects your general allegations of bias, unfairness, and lack of impartiality on the part of the judiciary. While he recognises that on occasions judges may act with impatience or in error, the proper and available avenues for investigation in such individual cases is the Judicial Complaints Office in relation to judicial conduct and the appellate process in relation to the substance of the decision.

The President is well aware, and keeps himself informed, of the concerns expressed by various groups to the effect that, in acting in the welfare interests of children (as they are obliged by the Children Act to do,) judges pay insufficient regard to rights of parents, in particular in the case of non-custodial parents who are thereby dissatisfied

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with the outcome of their applications for residence and/or contact. However, the President does not accept that the sweeping condemnations and generalisations contained in your letter are justified.

It is unnecessary for the President to be reminded of the report of Lord Justice Wall to which you refer. That report, was itself produced at the request of the President. Its recommendations are shortly to be embodied in a Presidential Practice Direction, presently in draft but soon to be issued.

The President utterly rejects your implied suggestion on the second page of your letter that the family judiciary are corrupt or ethically compromised.

Returning to your letter of 24 August 2007, receipt of the Times report which you enclosed is acknowledged. Not only is it of interest to this office; the President has for some time been in correspondence with Mr John Hemming MP, the Chairman for Justice for Families upon the topics raised.

Having noted your comments, the President asks that this correspondence should now cease.

Yours sincerely

Onatade

Ms Ayoola Onatade

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24th August 2007

Your Lordship,

We are most disappointed to receive your letter dated 31st July 2007.

It is interesting when it has suited the Judges including Your Lordship, it is not unusual to hear that the Court's do have the power and when it does not suit they do not have the power.

We had sincerely hoped that Your Lordship would have kindly invited us to present you in-depth studies of the numerous cases we have analysed to date showing abuses that are taking place in the name of children or charge us for bring the administration of justice into disrepute.

However, in choosing to hide behind 'I have no power' Your Lordship has condemned future generation of children to life of crime, drugs (even prescribed ones) and violence.

We are enclosing Times report which we hope will prompt an interest from your Office.

Yours sincerely,

Dr Kartar S Badsha BSc MSc PhD CChem MRSC SETAC(Europe) MAE
On behalf of ELC

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31 July 2007

Dear Dr Badsha

Thank you for your letter of 16 July addressed to the President enclosing the booklet 'Judgment Day'. The President has asked me to make clear that he does not as you suppose have the power to set up the Independent Inquiry which you seek, as set out on the last page of your letter.

Yours sincerely

Ms Ayoola Onatade

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16th July 2007

Dear Lord Justice Potter

Thank-you for your letter dated June 7th 2007 inviting me to detail what action we are requesting.

We are not suggesting that there should be any new powers and/ or new legislation. What effectively these cases show is the abuse of the discretionary power by the Judges thereby disenfranchising ordinary law abiding citizens and most importantly ignoring the plight of the most vulnerable part of the population i.e. children.

It is rare in family matters as our experience has shown that Judges act impartially, bias, fairly and in the genuine best interests of the children. It is usually the case that a parent least suitable are always given the benefit of doubt – this applies to fathers, mothers and foster parents. The proper significance of the word judicial bias "is to denote a departure from the standard even-handed justice which the law requires from those who occupy a quasi-judicial office, such as arbitrator. A judicial system of justice must be fair, ensure proper access for all and must not be slow as "justice delayed is justice denied" in the case of children. It is very important that there is a strong independent, transparent and accountable judiciary but dangers of what is becoming to transpire in Family Courts were recognised as far back as 1764 (Veccaria - Deide Delle Pene).

Furthermore it is very common that a Judge will refuse to enforce his own order on resident parents and or Court Reporters even where it can be shown that there is gross abuse of children.

In a very recent case a judge sitting in Manchester family court stated "I am violating your human rights, but it will take you years to get it to the European Court of Human Rights and by that time your son will be too old"(1st June 2007: 9BU 07P00173). This very judge further stated that only a written order is valid even when it differed markedly from the oral order read out by the judge.

The root of the problem as these and other cases show is an incestuous relationship between the Judiciary, Court reporters, lawyers and so called experts from the "court's own approved list". Examples of these are; in a recent case and a very rare occasion where the Judge allowed the social worker to be questioned, he said 'Your Honour, you'll be aware that in progressing child protection enquiries and matters that we are not in an evidential level of criminal basis, and that we also have duty to listen to the children and the messages that they give." When asked to what extent is it part of your role to establish the truth of allegations made, the social worker replied; "It is a role that we would defer to the Police. Child protection enquiries must separate fact from fiction. Sadly the Judge did not reprove the social worker but stated his report was helpful and informative. This raises a question how can a report based on allegations only, without any in-depth investigation be informative and helpful?

When challenged Judges will make comments such as that of Judge Turner in reply to a parent who sought to question a court welfare officer's report: 'That confirms my suspicions. This is what members of the public do when they disagree with the recommendations. I believe that it is totally wrong that members of the public can challenge judges and court welfare officers. Officers should not be subjected to it. There is a procedure outside the Court about making a complaint against the judge. **Members of the public should not have the right to make complaints**.'

Similarly, there are numerous examples of so-called experts making statements that they know to be untrue or inventing theories at the instigation of a Judge.

In cases where one party is represented, more often than not when it is shown to the Court that the bundle supplied to the Judge differs/ is different, this is ignored. A trick often used by the solicitors and approved by the Court is to supply bundle, additional information, and skeleton argument on the day or the day before the hearing and should unrepresented party ever dream of doing such a thing the Judges often come down like a ton of bricks on the hapless litigant.

We sincerely believe and as the cases show the root of the problem is that partiality of the Judiciary and certainly, the actions are not in the best interests of the children. In a very recent and ongoing case in Liverpool where it was shown that the children were taken under false allegations and more to the point social workers lied in the Court, the Judge nevertheless accepted their word and furthermore when, by the social worker's own admission that the children were being physically and emotionally abused whilst under the care of the Local Authority the Judge still gave permission for the children to be given up for adoption. In this case, even the Court approved psychologist stated that the children should be reunited with the mother.

It may be important in this matter for you to be reminded that in February 2006 LJ Wall presented a report to the President of the Family Division on 13 cases

in which 29 children were murdered by their fathers allegedly during contact. In 5 of the 13 cases contact was ordered by the court, and in 3 of those cases, an order for contact was made by consent. Allegations of domestic violence had been made in all the cases dealt with by the court.

It is in the present climate perhaps poignant to recall that the United Nations has stated "A serious impediment to the success of any anti-corruption strategy is a corrupt judiciary. An ethically compromised judiciary means that the legal and institutional mechanism designed to curb corruption, however well-targeted, efficient or honest, remains crippled. Unfortunately, evidence is steadily and increasingly surfacing of widespread corruption in the courts in many parts of the world have recognised that the disenfranchising of law abiding citizen makes fertile ground for terrorism.

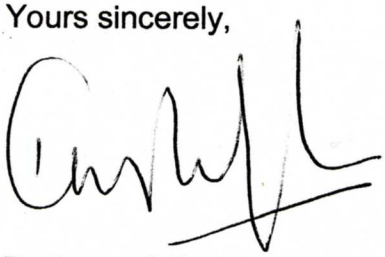
Finally even when those in power recognise that "we would like to see a reduction in a number of parents resorting to the courts, as this so often results in poorer outcomes for the children..."(DFES, 9th July 2007). Despite this recognition that rarely best interest of a child is served by the courts, the judiciary would appear to be totally untouched.

Once again I humbly invite your Lordship to set-up an impartial and independent enquiry which you have the power to do so and we will provide not only the documents but independent analysis of the documents in support of the submission and the statements we have made above.

Please find enclose a copy of a booklet which we published recently which I hope you will find interesting.

I thank Your Lordship as one of the very few people who have responded to-date. We look forward to hearing from you in due course.

Yours sincerely,



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7 June 2007

Dear Dr Badsha

On behalf of the President I acknowledge receipt of your submission to the DFES in relation to various cases of child abuse. The President understands your concerns but is not clear what action you are suggesting is appropriate on his part. As head of the Family Division he is its principal judge and his functions, apart from administering the Division, are of a judicial rather than an investigatory nature; nor does he have any regulatory powers in relation to Child Care.

Yours sincerely

Ayonatade

Ms Ayoola Onatade

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16th May 2007

Dear Ms Sewell

Thank-you for your letter dated 29th March 2007.

It is rather unfortunate that the Lord Chancellor, the keeper of the Queen's conscience, did not find children being abused is of significant importance to respond. Nevertheless, may I point out the following which was omitted from your letter, namely a summary of the law protecting children which I have appendexed for ease of reading (Appendix 1). This is of course not comprehensive but useful as a guide.

In paragraphs two and five of your letter you do point out that physical abuse and/ or corporal punishment is not to be permitted by foster carers.

This raises a very important question, namely as the body with most responsibility for Policy, Procedure and Guidelines on child welfare and protection and who is unaccountable, there is no way of independently knowing if a child has been and/ or is being abused as the cases attached show.

The only time year in and year out that the Public get to know of any wrongdoings or shortfalls is when we have the Public and/ or high profile cases such as the Climbie Enquiry; children are dead but lessons are never learnt and are lost on all those responsible for the welfare of our children and the future generation.

In the only case which we are aware of i.e. *Lillie & Reed v Newcastle City Council & Others [2002] EWHC 1600 QB* it was noted that approximately 350 children were coerced into making false allegations of serious sexual and satanic abuses by resident parents and only after nine years of hell were the innocent nursery workers exonerated of abuse. What was most significant was, ""*She edited out what she though was irrelevant, for example matters favourable to Mrs Reed, exonerated her of any liability*".

Under the Freedom of Information Act it has been confirmed that CAFCASS have no policies, procedure or guidance on assessing "attachment" which appears to be a purely subjective procedure and assessment.

Furthermore CAFCASS has no Policies, procedure or guidance on questioning children notwithstanding the findings in Lillie and Reed case, the Climbie enquiry, Cleveland enquiry and various court findings.

NYAS another statutory organ, we understand, does not have any complaints mechanism for parents and or grandparents. Their stated position is that their complaints mechanism exits only for service users – how does a child some under five ask for assistance (history revisited –Jalianwala Bargh Massacre 13th April 1919).

One clear point arising from the enclosed study is that Social Services, CAFCASS etc and the Judiciary always side with wrongdoers at the expense of children as there is no independent, transparent mechanism available to investigate the abuses children suffer at the hands of these agencies – a very important point brought out by Lord Laming in the Climbie Inquiry was that;

> ***'the professionals involved were ready to accept the excuses of the primary carer and abuser' – and - 'too often it seemed that too much time was spent deferring to the needs of the resident parent and not enough time spent on protecting vulnerable and defenceless children'***

Our analysis of nine cases confirms the widespread of abuse of powers by every professional involved with children. The problem starts at the top i.e. the Courts and the incestuous relationship between wrongdoers; courts and professionals such as Social Services (SS), CAFCASS and experts.

Although complaints procedures exist on paper more often than not any complaints are totally ignored with the usual standard typed letter and even when investigated facts are routinely ignored, procedural and methodological matters ignored, and furthermore complaints to the Ombudsman are diverted whereby the ombudsman gives excuses on behalf of the Council officials and discretionary powers are flouted left, right and centre (See Robin Page, Daily Telegraph 19th February 1995 on abuse of power by the Ombudsman).

The discretionary power is a major instrument of open abuse of children. The Judges sitting do not follow their judicial oath and run an "autocratic empire". As an example, the President of the Family Court gave permission that a child can be taken out of the country even when he was reminded that there was a Scottish Order stating that the child cannot be removed from Scotland, the order being registered with English Courts. This action of the President is contrary to the precedent set in *Dean v Dean (1987)* but we were informed by LJ Thorpe that LJ Potter exercised his discretionary power! According to Police, if the mother were to take the child out country, it would be a criminal offence.

Equally important is that in most cases there appears to be discrepancies between files with the judge and those with the litigant; what transpires in courts can differ dramatically with the court transcripts. There is one rule for litigants to comply with court procedure but members of the Law Society do not. Court rules deny the right of litigant in person to put his\her own bundle with documents conveniently left out by lawyers and or other State Agencies.

One other equally important significant point that arises is that in criminal Appeal cases at least the first part can be disclosed by way of practice direction 11.18 Criminal Appeal summaries. These are permitted to be shown by the advocate to the client by way of discretion and no-one else if it is thought they would help check facts or formulate arguments.

Bench Memorandums are regularly produced in the High Court and the Court of Appeal in Family cases where litigants-in-person are unrepresented and often not shown or told the existence of an advisory opinion before the Judge even before the case is heard.

The situation is such that in the Family Court the Judiciary have when challenged refused to disclose and as with Parker *v* Law Society refused disclosure on grounds of policy – the question is whose policy?

ECtHR is very clear on the issue that refusal to disclose advisory opinions designed to influence the Court is a breach of article 6.1 of the European Convention now incorporated in English Law in the Human Rights Act 1998.

In lower courts, Judges are only too willing to follow in such footsteps:

> DJ said in 2004 there is no such thing as McKenzie friend in Children's Act proceedings.
>
> HHJ Furness said.''16% of all domestic violence is female on male and all other research is flawed.'' Effectively making a mockery of British Crime surveys, and the Home Office's own 191 Report.
>
> HHJ Parry said that ''articles 6 and 8 do not apply forget it.''
>
> Solicitor advocate stated ''Your Honour, if it would assist…Much more serious, your Honour may feel, is the suggestion that you were provided with, what has, effectively, been described in the papers, as a secret bundle. **A bundle, which Mr D didn't have. I can't comment upon that. Clearly I have no evidence to suggest that such a bundle was provided.** That Ms Naylor provided to your Honour a false note of HHJ Richards' judgment. Again, I wasn't here and I can't comment. **Clearly, if true, it would be a matter which would justify recusal**.'' *Both the mysterious bundle and the false notes of HHJ Richards Judgement were both true and proven. HHJ Parry refused to recuse herself.* Upheld on Appeal.
>
> Mr. Justice Sumner showed bias stating **before** the Applicant had given his oral argument that his Appeal had failed and also refused permission to Appeal after listing some of the documents before him and other banalities. He further stated that 'If he is unable to separate his own intense feelings about the injustice to him **and the poor care that this mother gives, the children will not have a proper relationship with their mother if there is the risk that her standing with them will be undermined**.'
>
> In another case Judge Plumstead sitting stated that 'And it has been pointed out to me that at the end of the 2005 year he said '' Are you worried about anything?'' and he said this: ''being expelled for getting into fights, not seeing my mum.'' And that is a clear indication that he was very upset and confused child and that **he was upset at not seeing his mother, and this is a recurrent theme in this case and it is one of the most puzzling and most difficult things to deal with. It has clearly been the case and neither Mr. N nor the Local Authority nor Dr. Dennehay have ever sought to persuade**

me otherwise than these children do express the view that they want to see their mother and indeed to see more of her and this is particularly acute with F. What one does with that is the difficult question I have to approach.' **So the Judge ended all direct contact**.

Lord Justice Thorpe dismissed an Appeal whilst acknowledging that upon examination by ECtHR there may well be found wrongdoing by the Lower Court and the Local Authority - he nevertheless refused to address the wrongdoings.

On refusing McKenzie friend HHJ Milligan gave a homily stating to the father ''come to me in a different frame of mind and anything may be possible.''

HHJ Milligan said 'This is a man to whom I think it has never occurred that there might be another view that might be as good as or better than his and I have to consider his evidence in the light of that assessment. Father says that she is a manipulative liar. I do not believe this for a second. I thought that this was a truthful lady whose evidence I accept and in so far as it conflicts with the father's evidence I have no hesitation in preferring what mother had to say to me. **Father was only allowed the last ten minutes of the hearing to cross-examine the mother.**

HHJ Parry stated that civil procedure rules do not apply in the family Court and that there is no protocol for the instruction of experts in private law family proceedings. She refused to rely upon Public law protocol for the instruction of experts, only permitting the use of Supreme Court rules which were vague and limited in application. The matters were appealed and later dismissed by Lord Justices Scott Baker and Thorpe on appeal.

Judge Linda Davies made a number of startling interjections when a social worker was being cross examined. She said ''That's a matter for the Court. It probably would have been useful if it had been sorted out earlier on'' when the father asked the social worker if it would have been useful to assess the evidence and fact rather than repeating allegations as fact…

More often than not, Judges introduce "facts" not raised by either party but usually in favour of the wrongdoers occasionally during the hearing but more often in the judgement.

Even when there was evidence of serious psychological/ psychiatric disorder in the resident parent, the Judges, social services and CAFCASS consistently choose to ignore serious methodology and proven mental ailment in the place of half-baked theory.

It is impossible to examine Social Services and or CAFCASS notes/ interview records. In most instances they will admit they have none although this has been found to be untrue. The Courts are very reluctant to enforce an Officer of Social Services (SS) and or CAFCASS to disclose information and their statements however false it may sound are accepted as gospel by courts. In extremely rare cases where there is a court order to produce the files; the courts never enforce such orders.

Whilst the Courts acknowledge their limitations as noted by Lord Justice Wall ‘’the courts are not adequately equipped to deal with the social and emotional consequences of divorce, **which he says rarely leave anyone unscathed and can often destroy lives.**’’ Nevertheless there is a continued pattern of ignoring such reassuring statements.

The NSPCC makes much of the fact that 29 children were killed over the past 10 years during contact visits to non-resident parents. That is an appalling figure. However, it ignores its own research, which shows that over the same period some 800 children have died at the hands of resident parents or carers, and the 2000 publication "Child Maltreatment in the UK", which showed that violent treatment was more likely to be meted out by female carers than male ones.

Examples of incestuous relationship between SS and the Courts not withstanding that SS and or CAFCASS have similarly “discretionary” powers” of investigation:

> **Social worker made report in five days, without meeting the father, without investigating truth to any allegations made and with a 37 minute meeting with his daughter.** The social worker stated that he did not investigate fact or evidence. The Judge asked him if this was usual practise. Despite this HHJ Davies found his report to be helpful and authoritative.
>
> In the same case the social worker stated under oath ‘’Your Honour, you’ll be aware that in progressing child protection enquiries and matters that we are not in an evidential level of criminal basis, and that we also have duty to listen to the children and the messages that they give.’’ When asked to what extent is it part of your role to establish the truth of allegations made, the social worker replied; ‘’It is a role that we would defer to the Police.’’ Yet the Judge said regarding the report ‘’if it’s based on things that are not correct then, of course it affects the validity of it.’’ At the same time the social worker admitted that ‘’your knowledge of the family circumstances will always outstrip mine.’’
>
> HHJ Davies described alienation in her Judgement stating ‘’She has become so obsessed in her belief that father is pursuing her that she is genuinely fearful’ and ‘What is more worrying than the father’s behaviour is mother’s reaction of fear and the effect this has had on the children’ and ‘whereas I find that she has been adversely affected by her mother’s emotional behaviour little weight can be attributed to her views in particular those given to the mother,’ but then stated that **the father must forget researching Parental Alienation Syndrome as it was not in his daughter’s best interests**.
>
> Social worker under oath stated that **she wished all fathers were as caring as he** and **that the reason his children behaved appropriately when with him was associated with the way in which he treated them**. Despite this HHJ Milligan sitting ruled that he should have an order for **no contact direct or indirect, a ten thousand pounds costs order to pay and a section 91(14) limiting applications to the Court indefinitely**.
>
> Child told the social worker Maggie Smith she wanted to live with her father but SS then made sure she never saw her father again.

The local authority Counsel deemed in oral evidence that '**if the mother had not complained about the accuracy and content of a single unsubstantiated referral – the local authority would have let matters go – and we would not have these Care Proceedings and be here today**!'

Swansea Social Services practice is typified by their letter dated 28th July 2004 in which the senior work practitioner wrote to Swansea Bay Racial Equality Council that they have offered support to the mother. It states: '**the support we have offered is to undertake a section 7 welfare report for the courts and also to give mother support through the court process and contact issues regarding her children**.'''

Social worker Maggie Smith stated under oath ''**I have worked with thousands of families and I can tell you I can sense without even knowing when a mother's emotionally unstable I don't even have to look at them I can sense it a mile off**.'' She also said '' I have every confidence that what his mother tells me is true or else he wouldn't be able to concentrate at school and he wouldn't be putting on weight.'' ''**I am sure that this can be clarified through the mother. There are no problems with his eating and sleeping**.'' She said ''**The fact that he gets a tap on the mouth for spitting or swearing I do not believe to be inappropriate'. Most six year olds spit and swear**.'' HHJ Milligan accepted the assessment and statements in full.

Social worker Maggie Smith under oath stated that **she wished all fathers were as caring as he** and **that the reason his children behaved appropriately when with him was associated with the way in which he treated them**. Despite this the Judge sitting ruled that he should have an order for **no contact direct or indirect, a ten thousand pounds costs order to pay and a section 91(14) limiting applications to the Court indefinitely**.

The mother in a case had an older child by another father who was a registered pedophile. Court had given an order preventing him from having contact with his siblings due to the risk. Social services then made an Application for the older child to have contact with his siblings as they thought it was not fair that he did not have contact with his siblings. Social services in Court stated that there was no risk at all to the children. The Judge agreed with Social services. Two weeks after the hearing it came to light through the Police that the child was having **oral, anal and vaginal sex with his daughter for six months prior to the hearing when social services stated that there was no risk and the judge had agreed**.

Even where there have been repeated court orders for contact the SS ignore implementing them in the full knowledge that they are above the law and no judges will force the SS to obey them.

Court appointed experts spent more time pleasing the Social services and the Judges than the welfare of the child. Examples:

Professor of child and adolescent psychiatry Professor Zeitlin used an untested and unresearched theory that he called 'opposition to contact'. He admitted under oath that

it was untested, asked for £50,000 funding to test his theory and admitted that he had been asked by a High Court Judge to come up with the theory. He also referred to research yet did not detail what the research was regarding children being with mothers and girls always doing better with their mothers.

At a hearing the mother became aware for the first time that her children were physically and emotionally abused whilst in care but her shock was seen as her 'rebellious' nature requiring Prozac by Judge Roddy and instructed the psychologist to change his opinion to reflect it, without informing that the mother had heard for the first time of the abuse. For the record the only times that the children were abused were in the care of SS.

As a result of the above, there has been a decrease in resilience of children welfare in the UK.

The list below is by no means a full list of the effects of state policies on children.

The suffering of our children:

Children in the UK have the worst mental health ever, highest teenage pregnancies, increasing self harming, drug and alcohol abuse, delinquency, and increasing violent tendencies.

Over 20,000 children every year use 300 contact centres affiliated to the National Association of Child Contact Centres (NACC). This equates to 100,000 contact sessions. Around 30-40% referrals are from the courts. (DCA)

70% of young offenders come from lone-parent families and levels of all anti-social behaviour and delinquency are higher in children from separated families than in those from intact families. One third of prisoners and more than half of all young offenders have been through the care system (and have therefore experienced some form of family breakdown).

There are 13 million Grandparents in Britain who provide childcare worth more than £1 billion a year – that equates to 82% of all children receiving some form of childcare from a Grandparent. (THE ECONOMIC AND SOCIAL RESEARCH COUNCIL)

Each week 450,000 young children are bullied at school, one in ten (11%) admit bullying by text message and two out of three girls admit abusing others (which is more than are abused.)

Children in care or leaving care typically experience poor outcomes compared to other children or young adults. The 60,900 young people currently in care are far more likely to have mental health problems, few education qualifications, to take drugs, and end up with no job and no home. One third of prisoners and one half of young offenders have been through the care system.

A Department of Education and Skills study surveyed the 45,000 children who had been in continuous care for at least 12 months in England. Of those in year 11 (age 15), only 64% sat a GCSE exam. Of these 60% achieved one or more

GCSE passes at grade A*-G, compared to 96% of all children; only 11% achieved 5 GCSE passes at grade A*-C, compared to 56% of all children. 27% of children held statements of special needs, compared to just under 3% of all children. Children in care over the age of ten were three times as likely to be cautioned or convicted for an offence. Care leavers were three times as likely to be unemployed.

In a large scale Office of National Statistics study of the health of young people, 1,000 children were being looked after by local authorities. Amongst them, mental disorders were four to five times more prevalent compared to general population: 42% compared with 8% for 5-10 year olds and 49% compared with 11% for 11-15 year olds. The prevalence of conduct disorders was six to seven times higher: 36% compared with 5% for 5-10 year olds and 40% compared with 6% for 11-15 year olds.

A Home Office study of 200 young people about to leave care found that levels of drug use were much higher than in the general population. Three quarters had used drugs at some time, over half within the previous month and one third smoked marijuana daily. The sharpest difference was in use of hard drugs: 13% of care leavers had used crack cocaine compared with 2% of the general population of 16-18 year olds; 9% had taken heroin compared with 0.6%.

Another smaller study of 101 Scottish care leavers found that 54% had no qualifications and 44% were unemployed. As Harriet Sergeant says: “This year approximately 6,000 young people will emerge from the care of the state…Of these 6,000, 4,500 of them will leave with no educational qualifications whatsoever. Within two years of leaving care 3,000 will be unemployed, 2,100 will be mothers or pregnant and 1,200 will be homeless. Out of the 6,000 just 60 will make it to university. Care is failing on a scale that is catastrophic.”

Adoptions are to be speeded up to take place within 20 weeks. Your children can be given to single parents and homosexual couples without your agreement. The average case costs some 200 thousand pounds. Theoretical future risk is enough to remove your children. Parenting assessments carried out do not need to meet child and parent.

There are some 4,000 care cases a year, but in all there are 11,000 abuse-related hearings that result in a court order. About 3,000 children a year are removed from their homes.

The volume of cases has gone up by 14% yet the cost by over 60%. There are currently some 5000 children subjects of a care order but without suitable carer.

In 2005 2,800 babies were taken into care. In 1995 there were only 1600. Local Authorities have been ordered to ensure that 95% of children found suitable for adoption are found new homes within a year.

Whilst the Courts names and shames the offenders in truancy, anti-social behaviour orders and criminal delinquency as methods of preventing and reducing criminality (as they do with divorce cases of the rich and famous); children are not permitted to be named in the closed

world of the Family Court. These double standards have tremendous effect on the childhood of a number of children we have spoken to and there is distinct mistrust of anyone and anybody in Authority.

One major consequence resulting from the above is the cost to the Nation in terms of care provision, lost productivity, lost expertise, and loss of resources of the future generation, not to mention health related costs.

These problems were well examined in the UNICEF 2007 damning report and backed up the findings of the BMA in 2004. Despite this nothing has changed. On the contrary, the UNICEF report is being used, to our knowledge, in more children being abused by State bodies by removing children on false allegations from loving parents. It also raises a much wider question of Ad hoc uses of methodology in discretionary powers, assessment and treatment which have singularly failed.

Lord Laming in the Climbie enquiry in Para 15.10 said: - “The basic requirement that children are kept safe is universal and cuts across cultural boundaries. Every child living in this country is entitled to be given the protection of the law, regardless of his or her background”.

Recognising that these are serious allegations and contrary to the rights of children under national and International Conventions, we sincerely believe that the nation and its leaders have a moral obligation to investigate these very serious allegations by appointing a non bi-partisan independent body which has a mandate to investigate, any and or all such hearing(s) be open and we will not only provide documentation for these cases but access to other cases.

Please bear in mind some of these children that have been sexually, physically and emotionally abused are as young as two and three. In the words of Bentham - "In the darkness of secrecy sinister interest, and evil in every shape, have full swing. Only in proportion as publicity has place can any of the checks applicable to judicial injustice operate. Where there is no publicity there is no justice."

We intend to copy this letter to offices of bodies that we believe are keepers of the Nation’s Conscious namely the Department of Constitutional Affairs, Ms Harriet Harman, the Attorney General Lord Goldsmith, the Lord Chief Justice of England and Wales Lord Philips CJ, Lord Advocate of Scotland, the President of the Family Division Lord Justice Potter, Minister for children, Children’s Commissioners for England, Scotland and Wales in order to see what action, if any, they would propose to take.

We look forward to hearing from you in due course.

Dr Kartar S Badsha BSc MSc CChem MRSC MAE Pg Dip (Human Rights)
On behalf of ELC

Appendix 1

Summary of law protecting children

Children Act 2004 in section 10 states;

10 Co-operation to improve well-being

(1) Each children's services authority in England must make arrangements to promote co-operation between"

(a) the authority;
(b) each of the authority's relevant partners; and
(c)such other persons or bodies as the authority consider appropriate, being persons or bodies of any nature who exercise functions or are engaged in activities in relation to children in the authority's area.

(2) The arrangements are to be made with a view to improving the well-being of children in the authority's area so far as relating to;

(a) physical and mental health and emotional well-being;
(b) protection from harm and neglect;
(c) education, training and recreation;
(d) the contribution made by them to society;
(e) social and economic well-being.

Section 58 on Reasonable punishment states;

(1) In relation to any offence specified in subsection (2), battery of a child cannot be justified on the ground that it constituted reasonable punishment.

(2) The offences referred to in subsection (1) are;

(a)an offence under section 18 or 20 of the Offences against the Person Act 1861 (c. 100)(wounding and causing grievous bodily harm);

(b)an offence under section 47 of that Act (assault occasioning actual bodily harm);

(c)an offence under section 1 of the Children and Young Persons Act 1933 (c. 12)(cruelty to persons under 16).

(3) Battery of a child causing actual bodily harm to the child cannot be justified in any civil proceedings on the ground that it constituted reasonable punishment.

(4) For the purposes of subsection (3) actual bodily harm has the same meaning as it has for the purposes of section 47 of the Offences against the Person Act 1861.

(5) In section 1 of the Children and Young Persons Act 1933, omit subsection (7).

In the Children and Adoption Act 2002, section 120 amended the Children's Act 1989 and the definition of harm as;

Meaning of "harm" in the 1989 Act. In section 31 of the 1989 Act (care and supervision orders), at the end of the definition of "harm" in subsection (9) there is inserted "including, for example, impairment suffered from seeing or hearing the ill-treatment of another".

There is not a definition of harm in the Children and adoption Act 2002, 2004 and we take this definition to apply. It cannot be correct to give protect under the 1989 Act that do not apply to children covered by other and/ or alternative regulations.

Section 31 of the Children's Act 1989 states;

31.— (2) A court may only make a care order or supervision order if it is satisfied—

(a) that the child concerned is suffering, or is likely to suffer, significant harm; and (b) that the harm, or likelihood of harm, is attributable to—

(i) the care given to the child, or likely to be given to him if the order were not made, not being what it would be reasonable to expect a parent to give to him; or
(ii) the child's being beyond parental control.

Section 17 children's Act 1989 states;

Provision of services for children in need, their families and others.

— (1) It shall be the general duty of every local authority (in addition to the other duties imposed on them by this Part)—

(a) to safeguard and promote the welfare of children within their area who are in need; and (b) so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs.

(10) For the purposes of this Part a child shall be taken to be in need if—

(a) he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority under this Part;
(b) his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or
(c) he is disabled, and "family", in relation to such a child, includes any person who has parental responsibility for the child and any other person with whom he has been living.

(11) For the purposes of this Part, a child is disabled if he is blind, deaf or dumb or suffers from mental disorder of any kind or is substantially and permanently handicapped by

illness, injury or congenital deformity or such other disability as may be prescribed; and in this Part—

> “development" means physical, intellectual, emotional, social or behavioural development; and “health" means physical or mental health.

Section 22 Children’s Act 1989 states;

22. General duty of local authority in relation to children looked after by them.

> (1) In this Act, any reference to a child who is looked after by a local authority is a reference to a child who is— (a) in their care; or (b) provided with accommodation by the authority in the exercise of any functions (in particular those under this Act) which are social services functions within the meaning of the Local Authority Social Services Act 1970 apart from functions under sections 23B and 24B].
>
> (2) In subsection (1) “accommodation" means accommodation which is provided for a continuous period of more than 24 hours.
>
> (3) It shall be the duty of a local authority looking after any child—
>
> > (a) to safeguard and promote his welfare; and (b) to make such use of services available for children cared for by their own parents as appears to the authority reasonable in his case.
>
> (4) Before making any decision with respect to a child whom they are looking after, or proposing to look after, a local authority shall, so far as is reasonably practicable, ascertain the wishes and feelings of—
>
> > (a) the child; (b) his parents; (c) any person who is not a parent of his but who has parental responsibility for him; and (d) any other person whose wishes and feelings the authority consider to be relevant, regarding the matter to be decided.
>
> (5) In making any such decision a local authority shall give due consideration—
>
> > (a) having regard to his age and understanding, to such wishes and feelings of the child as they have been able to ascertain; (b) to such wishes and feelings of any person mentioned in subsection (4)(b) to (d) as they have been able to ascertain; and (c) to the child’s religious persuasion, racial origin and cultural and linguistic background.
>
> (6) If it appears to a local authority that it is necessary, for the purpose of protecting members of the public from serious injury, to exercise their powers with respect to a child whom they are looking after in a manner which may not be consistent with their duties under this section, they may do so.
>
> (7) If the Secretary of State considers it necessary, for the purpose of protecting members of the public from serious injury, to give directions to a local authority with

respect to the exercise of their powers with respect to a child whom they are looking after, he may give such directions to the authority.

(8) Where any such directions are given to an authority they shall comply with them even though doing so is inconsistent with their duties under this section.

Section 31 Children's Act 1989 states;

31. Care and Supervision — (1) On the application of any local authority or authorised person, the court may make an order— (a) placing the child with respect to whom the application is made in the care of a designated local authority; or (b) putting him under the supervision of a designated local authority.

(2) A court may only make a care order or supervision order if it is satisfied—
(a) that the child concerned is suffering, or is likely to suffer, significant harm; and
(b) that the harm, or likelihood of harm, is attributable to—

(i) the care given to the child, or likely to be given to him if the order were not made, not being what it would be reasonable to expect a parent to give to him; or
(ii) the child's being beyond parental control.

(9) In this section— "authorised person" means—(a) the National Society for the Prevention of Cruelty to Children and any of its officers; and (b) any person authorised by order of the Secretary of State to bring proceedings under this section and any officer of a body which is so authorised;

"harm" means ill-treatment or the impairment of health or development;
"development" means physical, intellectual, emotional, social or behavioural development;
"health" means physical or mental health; and
"ill-treatment" includes sexual abuse and forms of ill-treatment which are not physical.

(10) Where the question of whether harm suffered by a child is significant turns on the child's health or development, his health or development shall be compared with that which could reasonably be expected of a similar child.

Local Authority is also covered by the Fostering Services regulations 2002. In particular Regulations 12 and 13 specifically concerned with child protection and with managing behaviour. Regulation 13(2) states that no form of corporal punishment is used on any child with a foster parent.

Further there is also the law within the Children and Young Persons Act 1933;

1. Cruelty to persons under sixteen.— (1) If any person who has attained the age of sixteen years and has responsibility for any child or young person under that age, wilfully assaults, ill-treats, neglects, abandons, or exposes him, or causes or procures him to be assaulted, ill-treated, neglected, abandoned, or exposed, in a manner likely to cause him unnecessary suffering or injury to health (including injury to or loss of sight, or hearing, or limb, or organ

of the body, and any mental derangement), that person shall be guilty of a misdemeanor, and shall be liable—

(a) on conviction on indictment, to a fine . . . or alternatively, . . . , or in addition thereto, to imprisonment for any term not exceeding [ten] years;
(b) on summary conviction, to a fine not exceeding [£400] pounds, or alternatively, . . . , or in addition thereto, to imprisonment for any term not exceeding six months.

(2) For the purposes of this section—

(a)a parent or other person legally liable to maintain a child or young person, or the legal guardian of a child or young person,] shall be deemed to have neglected him in a manner likely to cause injury to his health if he has failed to provide adequate food, clothing, medical aid or lodging for him, or if, having been unable otherwise to provide such food, clothing, medical aid or lodging, he has failed to take steps to procure it to be provided under the enactments applicable in that behalf];

(b) where it is proved that the death of an infant under three years of age was caused by suffocation (not being suffocation caused by disease or the presence of any foreign body in the throat or air passages of the infant) while the infant was in bed with some other person who has attained the age of sixteen years, that other person shall, if he was, when he went to bed, under the influence of drink, be deemed to have neglected the infant in a manner likely to cause injury to its health.

(3) A person may be convicted of an offence under this section—

(a) notwithstanding that actual suffering or injury to health, or the likelihood of actual suffering or injury to health, was obviated by the action of another person;

(b) notwithstanding the death of the child or young person in question.

17. Interpretation of Part I

— (1) For the purposes of this Part of this Act, the following shall be presumed to have responsibility for a child or young person—

(a) any person who—

(i) has parental responsibility for him (within the meaning of the Children Act 1989); or
(ii) is otherwise legally liable to maintain him; and

(b) any person who has care of him.

(2) A person who is presumed to be responsible for a child or young person by virtue of subsection (1)(a) shall not be taken to have ceased to be responsible for him by reason only that he does not have care of him.

Offences Against Person Act 1861

42. Where any person shall unlawfully assault or beat any other person, two justices of the peace, upon complaint by or on behalf of the party aggrieved, may hear and determine such offence, and the offender shall, upon conviction thereof before them, at the discretion of the justices, either be committed to the common gaol or house of correction, there to be imprisoned, . . . for any term not exceeding two months, or else shall forfeit and pay such fine as shall appear to them to be meet, not exceeding, together with costs (if ordered), the sum of [£200]; and if such fine as shall be so awarded, together with the costs (if ordered), shall not be paid, either immediately after the conviction or within such period as the said justices shall at the time of the conviction appoint, they may commit the offender to the common gaol or house of correction, there to be imprisoned, . . . for any term not exceeding two months, unless such fine and costs be sooner paid.

43. Persons convicted of aggravated assaults on females and boys under fourteen years of age may be imprisoned or fined; When any person shall be charged before two justices of the peace with an assault or battery upon any male child whose age shall not in the opinion of such justices exceed fourteen years, or upon any female, either upon the complaint of the party aggrieved or otherwise, the said justices, if the assault or battery is of such an aggravated nature that it cannot in their opinion be sufficiently punished under the provisions herein before contained as to common assaults and batteries, may proceed to hear and determine the same in a summary way, and, if the same be proved, may convict the person accused; and every such offender shall be liable to be imprisoned in the common gaol or house of correction, . . . for any period not exceeding six months, or to pay a fine not exceeding (together with costs) the sum of [£500] and in default of payment to be imprisoned in the common gaol or house of correction for any period not exceeding six months, unless such fine and costs be sooner paid . . .

5l. Where any person shall unlawfully assault or beat any other person, two justices of the peace, upon complaint by or on behalf of the party aggrieved, may hear and determine such offence, and the offender shall, upon conviction thereof before them, at the discretion of the justices, either be committed to the common gaol or house of correction, there to be imprisoned, . . . for any term not exceeding two months, or else shall forfeit and pay such fine as shall appear to them to be meet, not exceeding, together with costs (if ordered), the sum of [£200]; and if such fine as shall be so awarded, together with the costs (if ordered), shall not be paid, either immediately after the conviction or within such period as the said justices shall at the time of the conviction appoint, they may commit the offender to the common gaol or house of correction, there to be imprisoned, . . . for any term not exceeding two months, unless such fine and costs be sooner paid.]

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same in a summary way, and, if the same be proved, may convict the person accused; and every such offender shall be liable to be imprisoned in the common gaol or house of correction, . . . for any period not exceeding six months, or to pay a fine not exceeding (together with costs) the sum of [£500] and in default of payment to be imprisoned in the common gaol or house of correction for any period not exceeding six months, unless such fine and costs be sooner paid . . .

47. Assault occasioning bodily harm. Whosoever shall be convicted upon an indictment of any assault occasioning actual bodily harm shall be liable . . . to imprisonment for a term not exceeding 7 years] . . . and whosoever shall be convicted upon an indictment for a common assault shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years] . .
Whosoever shall be convicted upon an indictment of any assault occasioning actual bodily harm shall be liable . . . to be kept in penal servitude

56. Child-stealing. Whosoever shall unlawfully, either by force or fraud, lead or take away, or decoy or entice away or detain, any child under the age of fourteen years, with intent to deprive any parent, guardian, or other person having the lawful care or charge of such child of the possession of such child, or with intent to steal any article upon or about the person of such child, to whomsoever such article may belong, and whosoever shall, with any such intent, receive or harbour any such child, knowing the same to have been, by force or fraud, led, taken, decoyed, enticed away, or detained, as in this section before mentioned, shall be guilty of felony, and being convicted thereof shall be liable, at the discretion of the court, to be kept in penal servitude for any term not exceeding seven years . . . or to be imprisoned . . . . Provided, that no person who shall have claimed any right to the possession of such child, or shall be the mother or shall have claimed to be the father of an illegitimate child, shall be liable to be prosecuted by virtue hereof on account of the getting possession of such child, or taking such child out of the possession of any person having the lawful charge thereof.

The Perjury Act 1911 applies not just to words under oath in Court proceedings but also to the contents of the reports as they are reports whether under section 7, 37, 47 etc of the Children's Act 1989 and as is stated in the perjury Act 1911 where reports are provided under an Act of Parliament; if any of the contents are known or believed to be untrue then this is perjury.

All private information held by the State bodies regarding the family and their children should be accurate, true and lawfully processed (Data protection Act 1998).

Social protection and protection of the rights of the children and their parents are also protected by the Magna Carta 1215 and 1225, the Bill of Rights 1688, Human Rights Act 1998 and the European Convention of Human Rights and children have particular rights under UN treaties i.e. UN rights of the child.

Appendix 2 –The Cases

Case 1 Mother LVOCO7071

Case 2 Father BS03P00962

Case 3 Mother MA6COOO39

Case 4 Father Case number awaited

Case 5 Mother HA04P00076

Case 6 Father SO96D01059 and SO05POO299

Case 7 Father PO06POO123

Case 8 Father and mother B1/2004/2019 and B1/2004/2385

Case 9 Father BH04P00273