

## Child protection in England: In the best interest of the child?

Florence Bellone's Lecture at the NCHR/NKMR Symposium on the theme: "**The Child's Human Right to private and family life**", held at Hotel Scandic Crown, Gothenburg, Sweden, September 9, 2017.

Stealing or buying babies from vulnerable mothers to give them to childless people is one of the oldest human activities. From frustrated individuals to churches, charities and states all over the world, there is a history of playing foul with the destiny of new-born babies. Older children were also removed from poor families hoping for them a promise of education and career. They were most often facing forced labour, sexual abuse or medical experiments. It's only a few decades ago that a long era of shame ended for women becoming mothers out of wedlock. And with contraception, women freed from prejudices, in control of their motherhood and life, should have meant the end of chained pregnancies, the end of child poverty, of unwanted, abandoned or stolen babies at least in modern countries. In the UK, this is actually when forced adoption took a new speed, because abandoned babies were becoming very rare. Of course it was in the name of child protection. At the end of the 20th century, Tony Blair started a financial incentive programme to reward the local authorities according to the number of children they would collect for adoption. Foster care or adoption agencies started to bloom, like FCA founded by a social worker and a foster carer 1994, today an international business called Core Assets Group Limited and operating in ten countries including Sweden. The two owners pocketed record dividends of £11.6 millions through their holding company in 2013, yet the company didn't become the property of a private equity firm like most of its competitors.

In 2013, Sir James MUNBY, the then new president of the Family Courts was very shocked by the number of cases where children should not have been separated from their parents or wider families. He criticised the government policy, not only for pushing local authorities to find as many children as possible but also to set up new measures to remove children younger and get them adopted faster. Of course the babies are the most wanted by potential adopters, and they are also much easier to adapt as they do not remember traumas like being taken away from the mother an hour after birth. The government made a heavy propaganda for preventive removal of children, which often translates by judges decisions based on balance of probability. Then, because little children, not babies or toddlers, are still removed, the government wanted to solve the problem of failed adoptions, when the parents give back the child to social services and cancel the adoption, which happens with 20% of the adoptions according to the official statistics. Some of the adoption failures are also due to the child changing many times of foster family. (A French girl forcibly taken away from her father in 2011 managed to make contact with him last year, as she is now close to becoming 18. She said that she had been cheated of contact with her family.) The government solution, at least for the youngest children, was to put them in foster care directly with their future adopters and to make sure that the whole court process wouldn't last more than six months, from removal to adoption. Needless to say that the chances of

the family to fight in court are cut short. So James MUNBY emitted new guidelines for the judges and reminded that the English law “states that a child should only be separated from its parents in extreme circumstances.” He also lifted part of the gagging order applied to medias concerning publishing of the victim's story. All this raised awareness of the issue even if the British public seems moderately interested in believing that social services could remove children for no reason.

From 2015 to 2016, the rate of national adoptions decreased by 12%, from 5360 to 4690 adopted children. The number of children taken into care only increased by 1% the same year but the child protection practice is still the same.

The problem lies in three main problems in my view : First, parental incompetence is treated with a vacuum cleaner rather than educating deficient people on the matter. It's like the difference between a premeditated murder and killing someone by accident. It should not be the same sentence. And removing children and severing the birth family link is a life sentence. The serious issue is the so-called prevention. Imagine that you are arrested and jailed for life because it is likely that with your weak character or difficult childhood, you are likely to commit a murder. It's exactly what happens in the British family courts. They remove a child or baby at birth because of a “risk of emotional harm for this child in the future”. The third problem is the decadency of justice when it comes to enquire on a suspected abuse: the evidence to be presented doesn't have to be hard evidence. It doesn't have to come from police but from experts' opinions and sometimes social workers' opinions. They have created a full range of fake science through a variety of assessments but assessments, to put it simple, are not evidence. They certainly are the open door to civil servants and well paid professionals.

Of course hard evidence of violence or sexual abuse or severe mistreatment of children can be truly evidenced and lead to a very justified removal of children from their home. Strangely enough, the most horrible cases of cruelty on children are known with the discovery of a dead body, like the little Victoria Climbié who had been literally tortured to death. The official statistics on murdered children are very unreliable, ranging from 1 to 4 children per week and showing that the government is actually unable to know how many children are murdered. Statistics don't say if children were killed by a stranger or a relative. On the top of it, the notion of murder is now very confused and some state organisations include children dead as a result of parental incompetence and others, not. Finally almost every organisation admits that the authorities are probably not aware of many murders of children which means that the UK has no clue about many people living in the country. It is also showing that there is little focus on catching murderers compared with the focus of taking away children in case the parents would end up killing them.

Interestingly, all the famous murders of children where parents were proved to be the murderers with hard evidence and which made headlines during months, sometimes years, have two things in common: the first one is that murderers were known from social services but not from police. The second one is that the murdered children had been to school at some point and sometimes to the day of their death. They had been in the community and that same community eager to denounce loads of parents for a bruise or a cry had missed them. This alone should be enough to put down the system. The third problem is the decadency of justice when it comes to enquire on a suspected abuse. In the UK, police having a doubt about a family has to refer it immediately to social services. But if social services refer a family to the police and that police concludes that no crime was committed against the children, the social services are still gaining in court the removal of such children.

One too frequent source of child murder is also the fear and despair triggered by social services. Parents of all ages, all backgrounds have killed their children and committed suicide after being pressured by social services. You could say that such parents are simply not strong enough or too selfish to have children. But it is still a very inefficient method of education of the people and protection of the children, the one which consists in preventive punishment and pushes parents to despair.

So, coming back to the evidence presented in family courts it comes from social services or court experts mandated by them, often experts in psychiatry or psychology. Some of them have never worked other than in the court field. In Norwich, East of England, there is a little business called "Psychology Clinic". It was set up at 500 metres from the Crown court by two female psychologists just graduated from the local university and the husband of one of them as the director. The accountability of the enterprise shows that all revenues come from courts between Norwich and Cambridge. All the reports by the two psychologists tell the same story : mothers suffering Borderline personality disorder or ADHD. Mothers who were dealt with by one of the two ladies told me that no attention was paid to them at all, the psychologist being busy to tick cases. Moreover, parents facing the loss of their children are exposed to depression and all signs of mental struggle for obvious reason. This is also playing against them. I am not adverse to psychology as long as it is made to understand and help, but I could see that in family courts, psychology and psychiatry are mostly a way of creating evidence where it is missing.

It is rare that a judge would cast a doubt on an expert unless he is backing the innocence of the parents. Experts come also from exact sciences. If, for exemple, they are certain that their medical examination shows that no abuse has happened when social services argue the contrary, they face losing the lucrative court business which brings them 1000 to 2000 pounds for a day in court. It can be worse. Two years ago, a neuropathologist from Oxford university, Waney Squier, who, after years of work on children's brain, disagreed with the mainstream about the theory of Shaken Baby Syndrom, was charged for supporting parents courts. She was immediately fired by the General Medical Council. No case where the events could have proven her wrong was ever quoted. After one year of fight, she finally won her case in Court of appeal. But the theory continues to dominate expertises. I met Waney Squier and some of her colleagues who had come to similar conclusions but they couldn't give me formal interviews because they would be sacked by the General Medical Council and maybe dragged to court.

The UK is maybe the only country to be self sufficient in terms of adoption. It is a minor actor in terms of international adoptions compared to other western countries. In 2010, British people would still find difficult to be accepted as an adopter and the government started to relax the conditions for being an adopter. Yet international adoptions would only count for 10% of all adoptions and the number of adopted foreign children was ten times less than in France, for an equivalent population. Today, statistics on international adoptions in the UK are not even published. There is a lot of ads in the medias for adopting British children, from newspapers pages to TV spots. As it is not enough to dispose of the stock, if I can say, the government created incentives like the priority for adopters to choose a school. The choice of a school is an old problem for British families because state schools go from worse to excellence depending of the area. Families have been moving to be able to pretend to one school rather than another. So the priority for adopted children is a real privilege. Adopters also receive a financial package according to their own resources such as 10.000£ to move to a bigger house.

For the foster families which are equally aggressively recruited, agencies offer 3000£ "golden hello". Local authorities can manage foster families and candidates for adoption

but they increasingly entrust agencies even though it is twice costly : agencies charge a commission roughly equal to the foster carer' salary. National adoption in the UK is a complete business and one with future. As advised an accountant for the foster agency Core Assets to a couple wishing to open their own agency, "There will always be children and they will remove more and more of them."

If money is a nasty driver when it comes to child protection, the mentality of controlling the individual free will is another one. The power of commanding the way of thinking and people's most personal choices is a concerning trend in the British society. British critics call it the "nanny state".

This summer there was a tragic story which gained worldwide media attention, such that Donald Trump and the Pope offered their help to a British family, even if there is a fair dose of politics in both their compassion. At first sight, the story has nothing to do with forced adoption, it was never question of removing a child from the care of his parents. But if the little Charlie Gard had not affected by a fatal illness, it could have been otherwise. In many cases where parents allow themselves to disagree with the NHS (British Public Health), a sick child is removed from his family. I guess everybody saw this story in the papers but just in case : Charlie Gard suffered a serious genetic illness with no known cure. The main hospital for children in London, the GOSH, decided that the boy should be let to die. The parents managed to raise 1.3 million£ to finance an experimental treatment in the United States. All they asked for was to try and if it would fail, they would let Charlie go. But to contradict the NHS is one of the most dangerous positions to have, particularly with a child or other vulnerable person. The NHS went to court, quoting that "When parents do not agree about a child's future treatment, it is standard legal process to ask the courts to make a decision." Then parental responsibility is overridden by a judge who will decide where is the best interest of the child. And the judge agreed and commented : "In this country children have rights independent of their parents." But for a baby obviously unable to express himself, what does it mean? Parents can be wrong but that a judge can decide what is the best interest of a child like not to try a potentially life saving treatment is a clear message that if children are not parents' possession, they belong to the state. Court proceedings lasted 8 months. The parents finally got permission to have the American doctor in charge of the experiment travelling to London to examine the child. His verdict was clear : too late. 8 months against a galoping illness were wasted in court proceedings. Then the last willing of the parents was to have their son's last moments at home. Again the GOSH said no and went to court and obtained that the toddler would be brought to an hospice where, for some reason, it would be better dying. The truth is that the authoritarian NHS is given full power over its patients but often lacks humanity or common sense. It accepts referrals of children age 3 to change sex but it doesn't stand parents trying everything to save their children's life. According to rebel doctors, its legal and fees budget would be far bigger than the medical one.

The case Ashya King also made headlines. In 2014, this 5 year old boy was suffering a brain tumor. The NHS wanted to continue chemotherapy but its secondary effects were destroying the boy. His parents enquired all over the world and concluded that protontherapy had to be tried. Protontherapy is targeting a tumour without burning the brain all around. The NHS refused for a good reason, the protontherapy was not available in the UK because expensive. As usual, the doctors refused that the boy should be treated abroad. The parents just took him and fled the country. They got caught in Spain and jailed but the Spaniards quickly sided with them and released them. The parents started a media campaign and the Czech Republic offered to treat the child. It worked. Today, Ashya is cancer free and goes to school. The hospital never stop to assert that the parents did wrong and endangered their son's life.

Another case is Anna's story. Anna is not her true name but Anna's mother never allowed me to name her publicly. Although the story is now part of the past, she and her daughter are still under gagging order, the nickname for a court order making prohibited to speak about his or her case. Anna was 15 when she started to suffer sort of chronic fatigue. The NHS found every psychological reason and incriminated the mother for insisting in finding a cure. A private doctor advised Anna's mother to bring her to Belgium and consult Dr Hertogue, endocrinologist and president of the International Hormone Society. Dr Hertogue diagnosed the teenager a hormone imbalance and gave a prescription to Anna's mother. She bought the treatment in a pharmacy in Bruxelles and to her relief, Anna's health came back to normal. But the NHS doctor noticed... He sent social services and police to Anna's home. Social services took Anna away and police charged her mother for attempted murder and hormones possession. I did talk to Dr Hertogue at the time and he was gobsmacked. He told me that the NHS was known to not be fond of the details which can make a difference to the health from Vitamines to hormones. He played a primary role in Anna's mother trial, he even accepted a request from the police to visit his office although they never went, and Anna's mother was acquitted, but only after 8 months in jail. The same amount of time was later needed to get Anna out of care. Anna had lost again her health and suffered a severe depression as a result of the whole experience.

One of the medical plagues for families are babies' and toddlers' fractures. Unfortunately they happen much more frequently today than 50 years ago, due to a range of modern deficiencies, not all well understood. One of them is well known, the deficiency in Vitamine D which a mother transmits to her baby through breastfeeding, which causes rickets and then brittle bones. I don't know for another countries but French pregnant women would receive Vitamine D well before the British ones. I cannot count the "Vitamine D forced adoptions" that I have seen, included a mother who fled abroad when pregnant with her second child as her first one had been adopted. In her case, it was admitted in court that the medical expert could have been wrong and the parents could be not responsible for the fracture. But the judge explained that it was no funding for a new expertise and that the little girl had already been presented to her future adopters. To give her back to her parents, according to the judge, would be breaching the adopters human rights. The adopters human rights is a recurrent argument to not reunite a family. I assume that between different reasons, it would make potential adopters having doubt about the rescue operation they are told adoption is.

But I met several adopters who have been facing the truth on the origins of their children because they were removed too old to forget everything. In one case, when the adopted daughter was close to become a teenager, she seemed to remember her birth story and asked to meet her true parents, and this with violent tantrums against her adopters. The parents understood that it was likely to be a forced adoption and opted to help the girl to find her birth family. When social workers knew this, they simply removed her from her adopters care so that they couldn't achieve their new goal.

Adoption is irreversible even if hard evidence of miscarriage of justice is made. In 2005, a judge allowed the publication of the facts related to such a miscarriage of justice in the medias and apologised to the parents for "this tragic mistake". But he left the kids with their adopters and put a gagging order on their names and faces.

A few years later a similar story was proven to be not a "tragic mistake but the fruit of fabricated evidence by social services. The Courtnage are a middle class family from South-Africa. Ironically, they decided to leave their country because they found it too violent to raise children. They thought that the UK would offer a safe environment for

education. When they brought their youngest, unwell, in hospital, they were told that they had hit him as he had a skull fracture. They took him away and his older brother as well. It's only after their adoption that two facts were discovered. The first one is that the mother, Jacque, suffers from EDS and it is very likely that her youngest as well. This can give fragile bones and joints. The second one is much worse. John Hemming, an ex MP dedicated to fight family courts and a journalist, Ted Jeory, got hold of the original medical report after the Courtnage had brought their son to the hospital. It was not written "fracture" but "fissure" and it was explained that it was a birth defect having caused the skull injury. It was impossible to obtain that a judge would acknowledge that social services had fooled the court.

Like most middle-class families, the Courtnage were framed through a medical issue. Strangely enough, I didn't meet poor and vulnerable families framed that way although they might exist. The humblest families are usually framed through so-called mental issues. Whatever the problem started with domestic violence, use of drug or alcohol, difficult pregnancy, depression or just a conflict with neighbours, the poorest are quickly labelled with mental troubles or learning difficulties. Learning difficulties are often not much than poor education, not necessarily stupidity. Even if it was the case, it would be totally new that parents who are not clever are unable to raise kids. Here we are in a pure eugenic vision of the society and social workers have the power of deciding who is intelligent enough to raise children. Countless first time pregnant mothers had their baby removed at birth because deemed too stupid or too vulnerable to be a mother. This is generally the case for the women who were themselves raised into care. I witnessed a social worker telling a young woman that because she had suffered sexual abuse when in foster care, she could never choose a partner who won't be a violent man. They took her 4 babies at birth, one after another. They are from the same father who had a bad past as a burglar but amended himself through couple life and never harmed her.

There are so many aspects, so many angles to consider when we study how child protection is diverted to darker goals. I can only give you a general picture of what's going on in the UK, a country which in my view, is particularly good at developing news ways of controlling and profiting. I still want to remind that the UK is also taking foreign children whose families are living or spending time there. Rather than contacting their country authorities for communicating their concerns about the family and asking that the country would consider the case, they act as if the children were part of their colonies. A Latvian MP has counted 140 Latvian children taken in the UK in 3 years and never seen again. In 2014, it was already 1000 Polish children taken away and swallowed in the care and adoption system. No doubt that Eastern European children with physical characteristics close to the English ones are very welcomed on the adoption market. But just the once will not hurt : I will tell now the one story with a happy end, the story of a French child who was sent back to his family in France. This story comes against all the cases where kids, French or from other nationality, vanished in the UK.

40 days ago, Eli, 6, was transferred to a French court, something which had never happened before. Eli was 4 when his mother who raised him alone in Birmingham experienced a severe depression. Eli's maternal grand-father was also living in the UK, in London, and took immediately charge of his grand-son. The mother was happy with this and the grand-father raised Eli during a year with no problems and even approval from social services. Then, a change in the social services team caused a new social worker to appear. This social worker decided that the grand-father was not suitable to keep Eli on the motive that his English partner was "the dominating person in the couple". However everybody was happy starting by Eli was happy who was spoiled by the couple.

The social worker started by demanding that the couple would split, which they did, although they would continue to see each other clandestinely. But it was enough for the social worker who wrote a report in which she incriminated the grand-father on every aspect of his personality. In this report she declared that the English partner had her first child removed, a pure lie as the lady never had any child and could prove it. In court, the social worker just said “sorry, it was mistake”, but this didn’t keep her of continuing harrassing the grand-father.

One day, the grand-father went like every day to pick up Eli at school but the boy had been taken away because of a mark on his nose. The police opened an enquiry and it resulted that the boy had blown his nose too strongly. The police closed the case but Eli stayed in a foster home with aim to be adopted. Eli’s family in France intervened and gave a dozen of family members and even friends names, all volunteers to take custody of Eli. Eli’s mother herself wanted her son to stay in the family and not be adopted in the UK. The social worker then blackmailed the grand-father and obtained that he would give her the key of his family house in France where she would go to assess all the candidates. She went there with an interpreter without asking permission from British courts, french authorities, without a licence to work in France, just as a tourist, working illegally. The first person she met was the grand-father’s sister, 56 years. She just told her: “you are too old for raising another child”. She refused every other candidate on different pretexts. She still had Eli’s mother’s cousin to meet, Alice. Alice has two kids about same age as Eli ; they knew each other and went along very well when together in holiday. But Alice, a civil worker in a pre-school (for children age 4 to 6), lives in Paris area at 500 Km from that family house. The social worker had made an appointment at her home at the end of the day without having checked the distance between Paris and the Atlantic coast. So she just renounced assessing Alice and came back in the UK. In court, she had no choice but explain that she had not seen Alice, one of the family members candidates to raise Eli. And that was Eli’s chance. Without directly incriminating the social worker, the judge decided that Alice could be the right person but that only French social services were abilited to assess her.

The French social workers were not overly sympathetic to a family criticising their UK counterparts. But they admitted that Alice, her partner and their children would be a perfect family for Eli. Unfortunately, a French psychologist involved in the procedure was quite nasty to Alice. Basically, she wrote that Alice was overwhelmed with emotion about Eli’s fate and that would make her an unsuitable carer. She also accused Alice of telling lies about UK social services and recommended that Eli would be adopted in the UK. This psychologist, I checked myself, is not on the professional register, she’s employed only by social services. Again the difficulty was overcome by the judge in Birmingham who didn’t consider this report. She saw that French social services agreed to Eli’s custody by Alice and forgot about the psychologist opinion. She ordered the transfer of the case to the French jurisdiction. From then, it’s hard to say who was less helpful for organising this transfer, the UK social services or the French consulate. The best interest of the child turned to be a joke. Eli waited almost two years to set a foot in France. I don’t think that without the help of the ex French MP Christophe Prémat’s team, Eli would be in France today. Finally, a French judge called everybody to court, including Eli and his social worker. They came late at the hearing and the social worker had not managed to give lunch to Eli. Eli jumped to Alice side and spent the court hearing pasted to her. What left the social worker gobsmacked, is that at some point, the judge sent everybody out to interview Eli and Eli, then 6, confirmed that he wanted to live with his cousin. This has never happened in the UK, where a child doesn’t even have a legal right to refuse being adopted.

There is a fair dose of uncertainty on the procedure because no French judge had faced such a case before. We don't know if such experience will be repeated and successfully repeated.

I have to say that French social services and even the psychologist apologised to Alice just because they had watched a documentary on forced adoption by my colleagues Stéphanie Thomas and Pierre Chassagneux. After the broadcast was following a debate to which I had come with Alice. To see her on TV impressed them in some way. In the UK, you can expose all the victims you want, it doesn't impress authorities and only cause victims to be ordered to shut up through a court order. Also, in France, forced adoption is illegal. But for how long is the question. Under the previous two governments, there have been new laws to redefine the notion of "legal abandon" which are opening the door to potential forced adoptions. One key in French law is that one family member opposing an adoption is enough to avoid it. But isolated vulnerable mothers can be forced to relinquish their children by many ways like making sure that they can't have supervised visits to their child during six months. Abusive long term foster care is also current. To oppose it can be as difficult as to oppose adoption. One trick to keep parents from opposing social services will is similar to what they do in the UK : the parent's lawyer tell them that there is no ground for appeal. In the UK they cut the legal aid to put an end to the fight, in France, there is even no legal aid for all parents having a child forcibly removed. The tactics to remove children from their parents are actually very similar in France and the UK but in France, it is amazing to see how judgements are short, lacking explanations. I would say that the British are much more sophisticated in the way they legally frame parents when in France, it's a bit of under the table action. But what is sure, is that the principle of giving children from vulnerable families to childless wealthy people is gaining momentum. There is a spirit of devaluing the birth family link among some politicians. We probably have a much more solid family tradition as a latin country than in the UK, and also a stronger tradition of "saying no to the boss". But at the end, through laws allowing adoption for same sex couples, the biological parents are more and more an option among others. And this is not happening only France but also in the more latin countries like Italy where several cases of forced adoption made headlines.

It is a matter of fact that the UK and other westerns countries head toward a dystopic society very similar to the one described in the 1932 novel : Brave New World, by British author Aldous Huxley. Children but also elderlies, disabled people and so-called mental people are increasingly becoming not only the state's property but a ressource for the society.

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