

In Family Courts, 'Experts' are Paid to Get it Horribly Wrong

The Telegraph

23/4/12



Millions have been shocked by Friday's story of the London couple who were charged, on flawed medical evidence, with having shaken their four-month-old son to death. The charges against the parents were dropped at the Old Bailey last December, but it was only last week that they finally won his sister back from social workers still determined to hold on to her.

The reporting of this tragic case lifts a tiny corner of that veil of secrecy which has long hidden a crucial and disturbing flaw of our child protection system. This is the way that doctors are far too ready to report to social workers that children have probably been physically abused, and the readiness of family courts to endorse those suspicions on medical evidence which is not put properly to the test. All the indications are that hundreds of families are torn apart

each year for similarly dubious reasons which never come to light.

The case reported on Friday only emerged because the parents were charged with murder. The evidence against them was therefore examined according to the much stricter rules which apply in criminal courts.

In 2009, Rohan Wray and Chana Al-Alas sought medical advice when their baby son, Jayden, fell mysteriously ill. In two leading London hospitals he was found to be suffering from bone fractures. When these were diagnosed as indicating physical abuse, Islington social services were alerted, and when the boy died in Great Ormond Street hospital, his parents were charged with murder. A year later, when they had a baby girl, Jayda, social workers removed her from the delivery room.

Only at the trial, did it emerge, from the autopsy, that the doctors had failed to recognise that the boy's injuries arose from rickets, resulting from the mother's severe Vitamin D deficiency. The charges against the parents were dropped last December, yet they still had to endure a further four weeks in the family courts, where Islington stuck to its case that their daughter must remain in foster care. Finally, last Thursday, having criticised the two hospitals involved, Mrs Justice Theis ruled that, after more than a year in care, the child must be returned to her innocent parents.

The essence of this awful story is one which, in the past three years, has become familiar to me from cases I have followed in detail. In one, on which I reported several times, the judge ordered his final judgment to be published, to show how mistaken my reporting had been. But this merely revealed how the only evidence put before him had come from medical experts who regularly testify that bone fractures are a sure indicator of "non-accidental injury" or physical abuse, although the mother in the case had been found to be severely

deficient in Vitamin D. On the basis of medical evidence that went unchallenged, Judge Bellamy confirmed that the mother should lose a loved child she would never have consciously harmed, and accused her of deliberately injuring him.

Another tragic case, which was also eventually reportable, was that of a Norfolk family torn apart by social workers after bone fractures were found in one of their three children, who were all then adopted. Only when a subsequent child was seized were the parents, Mark and Nicola Webster, able to find an array of independent medical experts to testify that the injuries to the older child had similarly been caused by a vitamin deficiency. Mr and Mrs Webster were thus allowed to keep their last child, even though Lord Justice Wall (now head of the Family Division) ruled in 2009 that the older children, having been adopted, would stay where they were.

Although Wall recognised that this was a “deeply disturbing” case, which he could find no “noun or adjective” to describe, which had been for the parents “a disaster” and “a clear breach of the rights of the children under Article 8 of the Human Rights Act”, he went on to say that “for the medical profession it has been a painful learning experience”.

Alas, as last week’s case shows, there is little evidence to support his view. Ian Josephs, who was involved in the Webster case and has helped thousands of parents over the years through his Forced Adoption website, says that he has had “well over 100 cases where children have been taken from their parents on similarly questionable evidence from supposed ‘medical experts’ ”. Three more such cases emerged only last week.

This appalling story follows the recent furore over the practices of Dr George Hibbert, whose company made nearly £500,000 in a year by supplying social workers with questionable psychological assessments of parents. That same

week, a study by Prof Jane Ireland suggested that 90 per cent of these reports are compiled by people who earn their living by producing such assessments. Two thirds of the reports Prof Ireland sampled were, she found, of “poor” or “very poor” quality.

Such “expert” testimony, however, from doctors and psychologists has become so endemic to our child protection system that it’s hard to imagine how it – or the judges who too readily accept it – can ever be called properly to account.