

02 July 2003

Child Abuse

2.45 p.m.

The Countess of Mar asked Her Majesty's Government:

Whether the refusal of social services officials to expunge from their child abuse registers allegations against individuals of Munchausen's Syndrome by Proxy, which prove to be false, is an abuse of the human rights of the individuals concerned.

The Parliamentary Under-Secretary of State, Department for Education and Skills (Baroness Ashton of Upholland): My Lords, well kept records provide an essential underpinning to good child protection practice. To expunge allegations of child abuse or neglect, including those which subsequently prove to be unfounded, from local authority records would undermine the proper function of social services' recording and the effectiveness of the area child protection committee. Provided that a social services department complies with legislative requirements in the way that it records and discloses information, it would not breach the human rights of an individual.

The Countess of Mar: My Lords, I thank the noble Baroness for that reply, but I am frankly appalled by it. Is she aware that once that label is attached to the family, the children and, especially, the parents, are blighted? Women who have been trained to work with children can never do so again. They cannot even teach

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children in a Sunday school. Many such cases go to court and the courts impose gagging orders on the parents, which is also an abuse of human rights and the right to family life.

Will the noble Baroness think again about what is happening? The day before yesterday there was a demonstration of extreme cases of Munchausen's Syndrome by Proxy, but there are thousands of much less publicised cases that must be dealt with.

Baroness Ashton of Upholland: My Lords, good record keeping is a fundamental part of good work by social services and other agencies that work with children. The professional behaviour of those true professionals means that they ensure that record keeping is done in a way that recognises the importance and value of showing what has happened to a family. Where families have been investigated—sometimes, I accept by people who are acting for their own motives, perhaps maliciously, but, most importantly, to inquire into the protection of children—it is important that that remains on the

record but that the outcome is also fully recorded. That is to achieve the objective which we all share: the full protection of children.

Baroness Blatch: My Lords, the question in the name of the noble Countess, Lady Mar, concerns cases which have been proven to be false. It is well known, and the noble Baroness ought to accept, that those allegations dog the families for ever. In the age of enhanced criminal checks, that enhanced information will stand as a material reason why they should not be given another job, work with children, or whatever. If the information is not expunged, the families are dogged for life on the basis of allegations that have been proven to be false in the first place.

Baroness Ashton of Upholland: Well, my Lords, if the allegation has been proved to be incorrect, that will also be part of the record. Those who are able to inquire under the enhanced disclosure to which the noble Baroness refers would also know that that was the case. What is fundamental is that where an investigation has taken place, that must be recorded, the outcome must be fully recorded and the information must be available only to those who have the right to receive it. I understand that Article 8 is a qualified article under the Human Rights Act 1998 and we are fully complying with it.

Baroness Barker: My Lords, can the Minister confirm that where a decision to place someone on a child abuse register is based in part on a medical decision, anyone wishing to raise a complaint could do so under the social services complaints procedure or the NHS complaints procedure? If such a decision were made by a care trust, which of those complaints procedures could someone use?

Baroness Ashton of Upholland: My Lords, the relevant lead organisation would be the organisation to which the complaints procedure applied. However,

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I think that the noble Baroness is alluding to multi-agency working, to which we are increasingly moving and which is for the greater protection of children and families. We would therefore expect the area child protection committee to have set up appropriate complaints procedures. That would be the appropriate avenue to which to refer a complaint.

The Earl of Northesk: My Lords, does the Minister agree that the circumstances of the case outlined by the noble Countess, Lady Mar, suggest a breach of nearly every principle enshrined in the Data Protection Act 1998. Is not the fourth principle in particular,

"Personal data shall be accurate and, where necessary, kept up-to-date",

being abused by the social services department involved?

Baroness Ashton of Upholland: My Lords, that is exactly what we are doing; we are keeping the records accurate and up to date. In other words, an investigation took place and was recorded, even though it was unfounded. That is accurate, up-to-date information.

Lord Northbourne: My Lords, does the Minister accept the point made by the noble Countess, Lady Mar, that accusations of sexual abuse have an effect simply as accusations, whether or not they are proved in court? Does the Minister accept that that rather exceptional situation could be used by people wishing to cause damage to a second party? Indeed, accusations of sexual abuse are being used frequently in the United States by mothers who have been abandoned by the father to prevent the father getting custody of the child?

Baroness Ashton of Upholland: My Lords, I cannot comment on the frequency with which allegations are made. What I am clear about, however, is that we are talking about the protection of children. When allegations are made, it is very important for all parties concerned that records are kept and that they are kept fully and properly. Noble Lords will remember discussions in your Lordships' House not long ago about the lack of record-keeping in the Victoria Climbié case. We should ensure that records are kept well and accurately, including information that says that the allegation was unfounded. If I may describe it thus: tippexing out accusations does not necessarily support families effectively.

Baroness Howarth of Breckland: My Lords, does the Minister agree that whatever the label of the allegation, what really matters is a good assessment by social services, which I think is what she is suggesting? However, would she also agree that such assessments are highly complex and difficult and that staff working for social services are not always recognised for the excellent work they carry out in trying to deal with

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these extraordinarily difficult family circumstances? For the most part, they would like children to remain with their families.

Baroness Ashton of Upholland: My Lords, I agree with everything that the noble Baroness, Lady Howarth, says. The particular cases involving of fabricated or induced illness to which the noble Countess, Lady Mar, referred, are extremely complex and difficult. The Department of Health recently issued guidance designed specifically to ensure that incredibly difficult and complex cases are dealt with in a multi-agency way. Those dealing with the cases should bring in professionals who have expertise in the area and work together with all the agencies concerned to ensure that any allegations made are accurate and that the family are fully supported. It is absolutely the case that social workers, doctors, the police or anybody else involved are working first and foremost to try to secure the protection of children within the family and not to remove them unless that is the only logical outcome.