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Social workers under scrutiny as parents capture sessions on camera

Recording meetings - openly or covertly - is becoming increasingly common. But is this a mark of distrust and suspicion or a useful tool?

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“Piss off out, I’m on the phone”, explodes a foster carer at a woman for whom she is providing a mother-and-baby placement. “When you are on the phone chatting loud in your Pakistani language I don’t say anything, I just grin and bear it yeah ... so piss off out and leave me on the phone,” she shouts.

This is just a few seconds from a recording made covertly by a mother who was at risk of losing her newborn baby to local authority care. It was presented in court and contradicted the foster carer’s own assertion that she had been rudely attacked by the mother and had responded in a mild fashion.

The woman had no option but to live in the mother-and-baby placement provided by Medway council children’s services if she was to stand any chance of keeping her child. She had already protested to social workers that the foster carer was unsuitable. When nothing changed she began covertly recording the woman’s outbursts to in an attempt to prove the level of abuse she was facing. Judge Mary Lazarus said in her published judgment this month that “having

listened to the recording, the mother was calmly and fairly meekly pointing out that the conversation was noisy for the baby”.

Commenting on the case, Andrew Pack, a local authority solicitor in the south-east of England and a blogger on legal matters writes, “not only had the foster carer shouted at the mother and racially abused her, but she lied about it in her notes and made up an allegation that it had been the mother who behaved badly towards her.”

The Health and Care Professions Council has just suspended a social worker in Derby for lying to colleagues about a woman she falsely alleged had threatened to burn down her house with her children inside. The children were removed after an emergency hearing, with the mother given no opportunity to hear or challenge the evidence. In another case last year, an Essex county council social worker was struck off for creating a false statutory assessment for a child’s grandmother to provide care, which was later presented in court.

Distortions, dishonesty and mistrust are leading to an increasing number of parents opting to film or record - either overtly or covertly - their meetings with foster carers or child protection social workers. Annie Johnson, who has extensive experience of care proceedings after suffering a mental breakdown, explains how things can go wrong. “You’ve perhaps asked for help, you’re struggling with a child’s behaviour or with an abusive partner, and then [social workers] come out and start asking you how often you wash your towels, they look in your fridge, and at any point during these interactions you can say something and it’s taken the wrong way, and you only find out later when it’s written in a report.”

Because of her experience, Johnson (not her real name) will now only agree to see a social worker if another person is present. “That’s for my safety so that someone else can testify as to what did happen,” she says. The various meetings and reviews that parents attend as care proceedings progress should be formally and openly recorded, she believes “because in those interactions, as a parent, you’re in a state of terror.

“There’s at least 20 other people there including police, social workers, teachers: half of them you know, half you don’t, there’s a lot of legalese and words you’ve never heard before, and lots of very overbearing professionals stating their case.”

Minutes of meetings are taken but Johnson believes that parents cannot rely on their view being reflected. “What I’ve said in the past has been twisted to help the local authority’s case. You just cannot win,” she says.

Rebecca Carr-Hopkins, an independent social worker, has some sympathy with this view. “I’ve been to meetings and had the minutes back and thought that bore no relation to the meeting I was in,” she concurs. And Lucy Reed, a barrister who recently co-founded the Transparency Project to increase understanding of the family courts, says that while there can be challenges to the authenticity of a parent’s recordings which can be selectively edited to present a particular version of events, there can clearly also be evidential problems in social workers’ common practice of taking a handwritten note - that is sometimes later destroyed- and then entering a final version into a computer system perhaps a week later. “In truth, neither is a perfect record,” says Reed.

So how do social workers react when a parent pulls out a smartphone and says that they’re now on candid camera?

“There’s a great deal of suspicion,” says Pack. “A social worker will tend to get straight on the phone to their [council] lawyer saying a parent wants to [record], or a parent has done it, and I don’t want it.”

Although there is nothing in law to say a parent can't record their social worker or needs official permission, up until a couple of years ago a council solicitor would write to the parents' lawyers and say "this is unreasonable, we are not able to go ahead with the assessment on this basis, and we are now regarding you the parents as being uncooperative," says Pack. With the stakes so high, the parents' lawyers would usually advise them to stop. But attitudes are changing. In a number of police forces in the UK, bodycams are now worn as a matter of routine following smartphone footage taken of law enforcers assaulting citizens. Pack's advice to his council social work teams today is phlegmatic: they need to understand that recording daily life is now normal in society, and get on with their job.

It can be instructive for professionals to consider matters from the point of view of a parent, he suggests. "You don't know at the start of the relationship whether you have a good social worker or a bad one, and you won't know until you see the report they write."

Social workers have told him that they feel awkward speaking on camera, worry their words might be taken out of context and feel as if being recorded creates an imbalance of power. "One of the things I say in response is that this is exactly what a parent feels - awkward, disempowered, that things will be used in evidence against them, and for exactly those reasons, recording can be an equaliser," says Pack. "If you're not going to say anything in those meetings that you will be ashamed of a judge hearing, then you've got nothing to worry about."

Andrew Webb, former president of the Association of Directors of Children's Services and the director of children's services for Stockport council, agrees. "Professionals' behaviour should be good enough to be filmed at any time," he says. "We've known for a very long time that the best thing we can do to protect people in institutions is to be very, very open.

"It does feel threatening; that's the feedback I've had [from social workers]. But I think we should deal with the fact that [staff] feel threatened, not refuse to do it."

Webb's main concern, which relates to covert recording, is less to do with exposing poor practice - "because I'd be very pleased if poor practice was exposed" - and more about parents posting material on hate websites that list social workers by name. "We've experienced that in this local authority on a number of occasions. It's a worry."

Recording case conferences, assessments and visits as a matter of course can be viewed as helpful rather than threatening, suggests Carr-Hopkins. She has always recorded her meetings with parents, who tend to like the fact that there is a verifiable record of what was said. "It allows them to feel safer," she explains - which means the relationship is more trusting from the off.

There's an important professional benefit too, she adds. "I know what people have said rather than what I think they've said. And you become a better interviewer if you listen to yourself"

Courts won't want to plough through endless hours of fuzzy audio or film footage. But Reed says she has no objection in principle to trying to rely on such recordings if she thinks they provide valuable evidence in a client's case.

The problem highlighted by parents' insistence on recording social workers goes far deeper, however, than simply the issue of whether professionals lie on oath in the family courts, says Reed. "It's about a parent's perception of the dynamic when they see social workers come into their lives on the one hand to support them, but who at the same time are busy assessing their parenting abilities and gathering evidence that's used to apply for a child's permanent removal into local authority care.

“And the parents are right - that is what’s happening. So you have inbuilt mistrust of a system, and it comes out as ‘the social worker is lying.’”

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