Local authority sorry after judge condemns IROs’ ‘utter failure’ to serve children’s best interests

Herefordshire council breached human rights in splitting twins and offered 'woeful' care to half siblings in separate case, judgments conclude

By [**Alex Turner**](https://www.communitycare.co.uk/author/c51c6704d7e946ceaae31acb392b066b/) on December 11, 2018 in [**Children**](https://www.communitycare.co.uk/children/)



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A local authority has apologised and will pay tens of thousands of pounds’ damages after a judge ruled its social workers had misrepresented and failed to disclose evidence during adoption proceedings that separated twins.

In [a late November judgment published last week](https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWFC/HCJ/2018/76.html), Justice Keehan condemned practitioners and managers for neglecting to follow a care plan that aimed to keep the pair together, and for failing to disclose crucial information.

Independent reviewing officers (IROs), meanwhile, “utterly failed” to promote the best interests of the twins, who went for months without seeing one another, the judge said.

Justice Keehan, who [earlier in 2018 revealed Herefordshire had abused section 20 care orders](https://www.communitycare.co.uk/2018/03/19/judge-slams-council-wrongly-abusively-kept-children-section-20-care/), said the children’s human rights had been breached as a result of the council’s “catalogue” of individual and systemic poor practice.

In [a separate judgment published the same day](https://www.bailii.org/cgi-bin/format.cgi?doc=/ew/cases/EWFC/HCJ/2018/72.html), the judge also slammed Herefordshire’s “woeful” treatment of two half-sisters who suffered emotional and psychological harm as a result of chaotic care planning over a period of years.

The report again severely criticised “serious and serial” failings on the part of IROs.

A statement by the council in response to the two judgments said it fully accepted Justice Keehan’s findings, for which it expressed “deep regret”, and that improvements were being implemented by its new leadership team.

Long-running children’s services director Jo Davidson left the council in 2017 and was replaced by Chris Baird – who had been her assistant for almost a decade.

**Separation decision**

In the case of the twins, ‘BT’ and ‘GT’, the two children – born in 2010 – were made subject to placement orders in March 2015. Their father was imprisoned the following year for multiple child abuse offences while their mother received a suspended term after pleading guilty to neglect.

The original court-approved care plans specified they be placed together for a year while an adoptive placement – or failing that a long-term foster placement – was found.

“There was no question of the local authority proposing, still less the court approving, a plan for the twins to be separated and placed separately whether in adoptive placements or long-term foster care,” Justice Keehan said.

But in April 2016 a team manager – backed by a looked-after children review – decided to place the twins separately for adoption. Soon afterwards, the children’s foster carers gave notice that they could no longer meet their needs, and they were moved to different placements.

No record was made by the manager as to the rationale for the separate adoption decision – a state of affairs Justice Keehan said was “astonishing”.

Meanwhile a sibling attachment assessment by the children’s social worker, ‘D’, was completed three months after the children had been parted – and appeared to ignore the care plan’s provision for seeking to foster the twins together should an adoptive placement prove elusive.

**‘Extensive and grave’ failures**

The assessment by ‘D’ came in for stern criticisms, due to the social worker misrepresenting a 2014 psychologist’s report on the twins, which it quoted from.

The quote deleted a crucial passage that concluded the children’s “sense of loss in later years at being separated would almost certainly be more detrimental to their welfare than placing them together”.

But the judge added that the “extensive and grave” failures by the local authority went far beyond the actions of individual practitioners.

Among a series of findings, the judge said a manager had deleted references to the twins’ challenging behaviours from files, and that information had been withheld from prospective adopters and adoption agencies because of mismanagement.

At one stage Hertfordshire council served notice to end BT’s placement based on “entirely misconceived” concerns about the quality of care he was receiving – when in fact the child’s behavioural issues were rooted in past trauma.

**‘Very little trust’**

IROs, meanwhile, failed to oversee or challenge decisions, with the twins barely seeing one another during 2017 and early 2018 during which time they had settled with their new families.

“I do not understand how, why or when the hugely important decision was taken to so severely curtail, indeed deny, the children an ongoing relationship once they had been placed for adoption,” Justice Keehan said.

Noting that it was now too late to consider reconciling the twins, the judge made the adoption orders sought by Herefordshire but said the children must have frequent and direct contact.

He awarded the siblings £20,000 each and their adoptive parents a total of £10,000 in relation to human rights breaches.

A statement by BT’s adopters said they now had “very little trust” in Herefordshire and that mediation may be needed to repair their relationship with social workers.

**‘Serial failures’**

In a separate hearing during October, Justice Keehan found that “serial failures” in the care provided to two half-sisters, ‘A’ and ‘B’, by Herefordshire council had also breached their Article 8 rights.

The judge heard that the two girls, who had been made subject to care orders and placement orders in 2008, were never placed for adoption as was originally planned – with no explanation ever given.

The siblings were placed together in 2009 before being separated in 2013 after their foster carer opted to relocated abroad.

“I do not know the reasons why this important decision [to place the girls apart] was made, nor the evidence on which it was made,” said Justice Keehan, who noted that the girls’ chronologies were confusing and contradictory.

“A and B were never again placed together. I have no explanation as to why not,” he added. The half-sisters were subsequently sent to opposite ends of the country, and between them endured numerous placement changes that the judge said caused them serious emotional and psychological harm.

Their original placement orders were never revoked, and they were failed “wholesale” over the course of a decade by the local authority and in particular by IROs.

“Neither A nor B can now be given a clear and cogent explanation of why they suffered such instability in the care of this local authority,” the judge concluded, adding that Herefordshire’s financial and staffing issues were no excuse.

**External review**

Responding to the judgments, Herefordshire council acknowledged that its standard of care fell “well below” what it should have been, and said it was arranging an external review of its IRO service.

“We know there is more to do to improve our practice and to ensure that all children and young people in our care are well-supported,” a council spokesperson said. “We strive to keep all children and young people in our care safe and give them the best possible start in life, and we will continue to do so.”

Justice Keehan ordered copies of both judgments to be sent to the secretary of state for education and Ofsted, as well as to senior officers at Herefordshire.

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