

The Royal College of Psychiatrists

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EVIDENCE TO THE SELECT COMMITTEE ON VIOLENCE IN THE FAMILY

INTRODUCTION

ACQUISITIONS

- 1 Historically there is little indication of the quality of childhood in past centuries. Such as there is, suggests that in mediaeval times the concept of childhood was hardly recognised and that if babyhood was survived the child was treated as a little adult and a convenient source of labour. Instances of the barbarous treatment of children, infanticide, exploitation, starvation, floggings, mutilation abound (152) and seemed to be accepted at least until quite recently. The task it seems is gradually to overcome the back-log of appalling ignorance and punitiveness in child rearing which has been present for so long and which constantly floods over into the next generation.
- 2 Even those from favoured homes are to some extent disappointed in childhood and are thus surprisingly insensitive to the miseries of the less fortunate and to the "apprenticeships of distress and wretchedness"(3) which even superficial enquiry reveals amongst children of today.
- 3 The dramatic term 'battered baby syndrome', coined by Kempe in 1962, was a useful means of drawing the attention of a blinkered world to the size and seriousness of the problem. The great amount of work which has been subsequently completed shows that there is not one but a whole range of syndromes, so that there is no single type of battering parent, nor of the battered child, nor of the causes, nor of the treatment.
- 4 Confusion may be avoided if it is accepted that the abuse of children is a description of behaviour not of any clinical entity. The study of child abuse is following very closely the stages through which the study of crime and delinquency have laboriously passed.
- 5 The hard won lessons from these sources can usefully be applied to child abuse: the absence of any stereotype; the elusiveness of clear causative factors which may only become operative when potentiated by other factors in the individual, the victim or the environment; the difficulty in prediction; the presence of a large penumbra of mild, easily controlled cases which shade off into ordinary public morality (ordinary punitive child rearing) together with a small hard-core of very resistant, malignant cases; the pattern of factors in the families reveals clustering of disorders as in Robins' delinquent children (123) or Oliver's (14) battering families which showed a similar clustering of social and psychiatric pathology, or Newcombe's (117) finding that the sibs of battered children show a greatly increased incidence of a variety of accidents, poisonings violence and other disaster; just as undetected and formes frustes of delinquency and crime are rife, so are unreported and minor assaults on children (the Newsons (153) in their study of child rearing practices and the community find that 62% of children at 1 year of age and 97% at 4 years are subject to physical modes of correction, 8% of them daily). A further similarity between crime and delinquency on the one hand and child abuse on the other, lies in the area of treatment. On the whole individual psychotherapeutic endeavours with both are proving less effective than broad supportive measures and especially self-help within the community. In all probability the use of fellow sufferers and voluntary workers (perhaps led by a trained agent and having immediate access to professional help) and nurseries for at risk children, will be the direction in which treatment will develop.

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DEFINITION

6 For general purposes it is now better to drop the formerly useful term battered baby and its implication of deliberate wilful assault, in favour of the simple definition: any non-accidental injury to a child, but researchers must be permitted (and expected) to define the term differently for the purposes of their own enquiry.

7 Fairburn (5) and his colleagues in Bath use two categories:

'B' group (severe risk - monthly review)

Families in which the parents are known to have injured a child or in which severe injury has occurred in the past.

Families strongly suspected of currently inflicting injury

Families with the now generally recognized heavy weighting of predisposing social factors, including certain types of potential personality disorder.

The health visitor and social worker responsible for these B families send in an up-to-date report immediately before the monthly meeting.

'Q' group (low risk - quarterly review)

All children under 3 with a bone fracture from any cause.

Children under 1 year bruised "more than could reasonably be expected" at this age

Families in which suspicion of injury or predisposing factors were not sufficiently strong for the severe risk 'B' group classification.

Families may of course need to be re-classified

8 Dr. Oliver in his researches (14) defines Assault Cases and neglect/ill-usage cases. The Assault Cases ranged from blatant and/or prolonged battering, to irate or unjustified damaging blows to a baby, toddler or young child, which caused professional involvement. The neglect cases ranged from starved, or repeatedly dehydrated or abandoned young children, to those irresponsibly left on their own, deprived of the minimum essentials of parental care, or otherwise treated in a blatantly irresponsible manner, such as to necessitate professional involvement on behalf of the children.

9 To classify by means of motivation is useful but hazardous. Some attempt is made by Scott to narrow the field of battering and to distinguish this from other forms of child assault (113, 114). In brief there are parents whose aim is to be rid of an encumbrance (elimination) to relieve suffering (mercy killings), parents whose battering is directly attributable to the disordered thinking of frank mental illness, parents who are displacing onto children anger, frustration, retaliation arising elsewhere (the Medea situation), and parents in whom the immediate stimulus for their aggression arises in the child (the classical Battering situation). These groups have very different treatment indications.

THE SCALE OF THE PROBLEM

10 Violence (which is no more than aggression concentrated into brief duration) is easy to recognize and dramatic in its effects, but not necessarily more dangerous or damaging than continual extensive aggression even if of lesser degree. There are many possible indications of incompetent parental care - the 70,000 children in care (28, 29, 30, 31, 32, 33, 34) children ascertained as maladjusted pupils, delinquent and "in need of care, protection or control" children appearing before juvenile courts or attending child guidance clinics.

11 There are advantages however in concentrating effort upon some small band of this extensive spectrum, which can be reasonably accurately defined and thus susceptible to epidemiological and comparative studies. For this reason only actual physical non-accidental injury is considered. Even so the numbers are very great: in the USA, Kempe (65) estimates the incidence of non-accidental injury at 6 per 1,000 which implies 40,000 ascertained cases per year. In the UK a LANCET communication (112) suggests 3,000 cases a year. Dr. White Franklin (122) has written more recently about the statistics of non-accidental injury.

12 Oliver's (14) survey in N. Wilts, started in 1971, concerned children who have suffered very severe ill-treatment. For inclusion these 'severe abuse cases' were required to show one or more of the following factors:

1. Prolonged assaults of such severity that death ensued.
2. Skull or facial bone fractures
3. Bleeding into or around the brain; brain damage with consequent impairment of either intellect or the functioning of one of the senses, or damage to the central nervous system or visual apparatus.
4. Two or more mutilations requiring medical attention (including bites, burns, crushes, cuts)
5. Three or more separate instances of fracture, and or severe bruising requiring medical attention.
6. Multiple fractures and/or severe internal injuries.

13 The rate of severe abuse by these criteria was one new battered child per 1000 children under 4 years old per year. The death rate (by mid 1973) was 10%. This rate, for England and Wales as a whole, would entail referral for over 3,000 children aged 0-3 years annually. Although this rate shows an increase of 2.5 times as compared with the previous 7 years, Dr. Oliver considered that there were clinical indications of residual under reporting and that the true rate is almost certainly higher.

14 The following 3 tables have been compiled by Dr. J. Oliver to give some indication of the ascertainment rates in Britain and other countries. These are of course likely to be minimum estimates and may possibly increase with changes in the awareness and sophistication of medical practitioners and those who refer cases to them.

| LOCALITY | REF | Type of Population | Ages of Children | Total Pop. Nos. | Cases recorded in Relation to the Years of Study. | Nos. P.A. Per Mill. Total Pop. | Rate in Children. | Comment |
|---|-----------|-----------------------|---|-------------------------|--|--------------------------------|--|---|
| Birmingham | 24 115 | Urban | Mostly under 2 years | 1,000,000 | 69 cases in Birmingham in 2 years (1971 and 1972). | 35 | Unstated | Data predominantly from Hospital sources only. |
| Lambeth (London) | 177 | Urban | 3 years and under | 300,000 | 28 in 1972 | 93 | "An incidence of 2 per 1000 in children 3 years and under" (per year). | Short report. Cases possibly less severe than those in the Wilts. and Birmingham studies. Data mostly from local authority sources. |
| N.E. Wilts. | 14 | Mixed Rural and Urban | Children under 4; more than 75% under 1 year. | 200,000 | 22 between Jan 1972 and June 73. | 75 | "1 new case per 1000 children under 4 years old per year..." Also 4 (very severely battered babies) per 1000 live births per annum. | Very severe cases, often with repeated injuries. Data from multiple sources. |
| Preston and environs. | 110 | Mixed Rural and Urban | Unstated; mostly under 3 years. | 300,000 | 45 cases in 1969 and 1970 | 75 | Unstated. | Data from Emergency Dept. only. |
| Leeds and Manchester Metropolitan Districts | 36a | Urban | Children under 4; 33% under 1 year. | 77,000 children under 4 | 89 cases in 1974 | Unstated | 1.12 New cases per 1000 children under 4 years old per year | 1. Discussion on the value of registers. 2. Repetitions and re-batterings considered |

16 Proportions of children seen in routine medical practice who are the victims of violence or ill-usage at the hands of their parents or guardians

| | | | | |
|----------------|-----------------------------|--------|--|--|
| Ref. <u>94</u> | Lauer et al (1974) | USA | Admissions to San Francisco General Hospital. | 3% of total admissions are due to child abuse. |
| " <u>64</u> | Kempe (1969) | USA | Children under 5 seen in Emergency Room. | 15% of the children seen are the victims of child abuse. |
| " <u>65</u> | Kempe (1971) | USA | Children under 2 seen with Fractures. | 25% of the children seen are the victims of child abuse. |
| " <u>103</u> | Fried (1973) | CANADA | Young children and babies with Fractures. | 15% of the children seen are the victims of child abuse. |
| " <u>103</u> | Fried (1973) | CANADA | Young children and babies seen with Trauma in the Hospital Emergency Room. | 25% of the children seen are the victims of child abuse. |
| " <u>47</u> | Okell C, (1971) | UK. | Children under 3 attending the Casualty Department. | 6.7% of total children are victims of physical abuse. 8.9% are victims of obvious neglect. |
| " <u>37</u> | British Med. Journal (1973) | UK. | Casualties in children under 2 years. | 10% of total children are victims of physical abuse. |
| " <u>37</u> | British Med. Journal (1973) | UK. | Fractures in children under 2 years. | 25% of total children are victims of physical abuse. |
| " <u>46</u> | Jackson (1972) | UK. | London Children seen with physical injury at Kings College Hospital, London. | 18% of total children are victims of physical abuse. |
| " <u>50</u> | Ounsted C et al(1975) | UK. | Paediatric Referrals to Park Hospital, Oxford. | 11% of total children are victims of physical abuse. |

- U.K. : NSPCC (1969) 1.3%, 53; MacKeith (1974) 1.3 - 13%, 12
Hall, M.H. (1972) 10%, 110; Oliver J.E. et al (1974) 2%, 14
Smith S.M. and Hanson R. (1974) 16%,* 24
- U.S.A. : Gil. D.G. (1969) California Pilot Study 1.4%, 8; Ebbin A.J. et al
(1969) 2.8%, 57; Gil G. (1970) 3.4%, 92; Lauer B. et al (1974) 4.4%,
94; Helfer R.E. & Pollock C.B. (1968) 5%, 93; Kempe C.H. (1974) 5%**
18; Simons R. et al (1966) 5%, 71 Brown R.H. (1973) 10% 116; Silver
L. (1968) 11%, 98; Kempe C.H. et al (1962) 11%, 63; Fontana V.J.
(1971) 10-25% 58 59; Elmer E. (1967) 14%, 90; Schloesser, P. (1964)
17%, 97; Zahra S.R. (1966) 21%, 100; Gil (1969) - Press Clipping
Survey - 33%, 8.
- AUSTRALIA : Colclough, I.R. (1972) 23%, 84.

*8% after excluding cases where parents had gone to prison.

**"Initial mortality" only, of 70,000 children battered annually in U.S.A.

WHAT HAPPENS TO SURVIVING BATTERED CHILDREN

- 18 We emphasise the importance of research under this heading because the existing studies drive home most forcefully the consequences of battering and are likely to alert the nation to the seriousness of the problem and the need for action.
- 19 It is likely that as doctors and social workers become aware of the delayed effects of early abuse, as they learn what to look for in the early history and as better clinical records are kept for longer periods (Social Service departments, we are told, destroy records after 6 years) then a variety of hitherto unrecognized or improperly diagnosed adults will be accepted as surviving battered children, instead of relegated as psychopaths. Practitioners in prisons and remand centres begin to be aware of the link between crime and early abuse. Tragically sometimes the crime is against the next generation; even clinical histories tend to repeat themselves. Oliver and Taylor (151) describe five generations of ill treated children from the same extended family. Battered babies and abused children also tend to concentrate in subnormality hospitals, and some severely mentally handicapped children are in this condition as a consequence of violence in the home.
- 20 Guthkelch (124) and Caffey (132) described the intracranial damage which may follow vigorous shaking of a small child whose heavy head is alternately sharply decelerated on chest and back. Skulls are often fractured by direct blows, and Oliver (15) has described how shaking, swinging, hitting and throwing of babies may cause micro-cephaly with permanent residence in subnormality hospitals. Blindness (both central and retinal) may follow trauma (133, 134, 135).
- 21 It is estimated that between 2% and 4% of children in subnormality hospitals are brain-damaged following assaults by their parents. Ann Buchanan has shown that at least 2.5% of severely mentally handicapped children in Burderop and Pewsey Hospital were in this condition as a result of shaking or battering (137).
- 22 Four out of 140 children in the N. Wilts study (14) suffered unequivocal brain damage and severe mental retardation as a consequence of assaults by their parents and 3 of these were known to be normal before the assaults.
- 23 From the findings of Birrell (13), and Oliver et al. (14) at least one quarter of the severely attacked young children are intellectually damaged, subnormal or severely subnormal as a result of battering. Thus if 75 young children per million of total population are severely attacked each year, then 18-19 per million could suffer intellectual impairment each year, often of profound degree.
- 24 Ronald MacKeith (12) estimates that about 50 children in the UK survive each year with chronic incapacity due to non-accidental injury. "It seems that there may be 400 new cases a year of chronic brain damage due to child abuse. In such cases, cerebral palsy could only arise from brain injury (by contusion); mental handicap could arise from brain injury or from deprivation".
- 25 The relationship between physical injury, under-nutrition and psychological neglect (failure to communicate with, failure to play with, failure to provide a secure relationship from which the child can explore a reasonably varied environment) needs some elaboration. It is particularly difficult to study because all three factors of course fall into the same constellation. Nevertheless there is a great deal of evidence both ethological and human that each factor, acting alone, may impair (possibly permanently) physical, intellectual and emotional

development, and furthermore that combinations of these factors may be synergistic (amounting to more than the sum of their separate expected effects). Critical periods of development and learning are a reality and tend to be concentrated within the periods of rapid growth. From the scientific side-lines it seems that the central nervous system needs a degree of stimulation and even of stress (previously misnamed 'gentling') and that too little or too much, especially at certain critical periods is deleterious. The literature in this area is of course enormous and controversial at some points, but the answers are already sufficiently firm to indicate where priorities of prevention and early treatment should be.

- 26 Professor Tizard's editorial 'Nutrition, growth and development' (138) and J. Stewart's article 'How malnutrition handicaps children' (139) are useful introductions in this area. Even though not amounting to physical violence these forms of neglect are not only of immense indirect but also of some direct importance to our present considerations; undernourishment or other forms of stress or illness in pregnancy may
- 27 1) produce a handicapped child who is more dependant, more difficult to manage and less gratifying to the parent.

The Cambridge studies (140, 141) have shown that restless, sleepless, crying babies may be identified at birth or even during pregnancy and thus permit the early application of support.

- 2) We know that maternal ill health and exhaustion correlate highly with child abuse and that ill, premature and underweight children attract battering (60, 142, 143, 144)
- 3) Our endeavours to help, for example by trying simultaneously to relieve the battering parents, the foster parents and the child (which is usually impossible for the needs of these parties may be directly opposed) may also result in a long period of traumatic uncertainty and deprivation for a very young child, which may be just as damaging as the battering and which may act synergistically with it to produce greater problems for the future. Martin (146) shows that of his 17 child subjects, 34% had from 3 to 8 home changes from the time of identification of abuse. The more serious the maladjustment the more frequent the moves.

- 28 Baher and the NSPCC group are hopeful about the effects of intensive therapeutic intervention, which they found was of value to abusive parents and seemed to effect a restoration to the child's developmental status in most cases, especially those in the therapeutic day nursery.

The authors conclude "we now feel that our dual and interlinked emphasis on treatment of the parents and protection of the children, neglected an important area, the psychotherapeutic treatment of the children, which could well be provided in a day-care setting"

DIFFICULTIES IN ASCERTAINMENT

- 29 Incomplete and misinterpreted facts due to

ignorance of what to look for and what to ask;
shortage of time;
fear of arousing anger, litigation or alienation in a client or patient;
wish to maintain confidentiality;
incapacity to face the concept of open aggression by parents;
being deceived by parents who are often plausible and skillful at misleading.

mobility of families involved;
 deliberate changes of doctor or hospital to cover successive assaults;
 inaccurate identification of the child concerned (different names or
 dates of birth given);
 lack of standardization of records;
 failure to make one person responsible for collection

the privacy of homes favour concealment;
 except possibly from neighbours who should therefore be utilized
 more effectively;
 the tradition of helping and protecting the client or patient
 (parent) may obscure the needs of the child.

Abuse of children is not a disease entity but a pattern of behaviour
 and like all other such patterns it has a multiplicity of paths by
 which it is reached. It is of primary importance therefore to cease to
 look for a stereotype and to accept that physically abusing parents are
 sometimes manifestly mentally ill, but are also sometimes apparently
 well integrated persons. Between these extremes lie a host of very
 different sorts of parents in terms of varying social class,
 intelligence, attractiveness, mental stability and personality type.
 It is thus possible for a neat and attractive young mother, with an
 engaging, open manner, in charge of a well cared for beautifully dressed
 child, to have already killed one child and to be currently abusing her
 surviving child, who clings to her in an apparently loving manner.

Look for a succession of injuries especially bruises of different ages,
 and especially in very young children. Some of the injuries may be
 bizarre - bites, burns, pinch-bruises. Serious injury to the brain,
 retina, bones, abdominal organs can occur without bruising or skin
 injury. Failure to think, unexplained vomiting and pyrexia and
 coma, may be due to abuse. All fractures in children under 2 years
 must be viewed with great suspicion. Skeletal X-ray and retinal
 examination are important diagnostic aids. The child must be undressed
 for a proper examination.

"Frozen watchfulness" and the "knowing wise look" are characteristic
 of some battered children. A child may have intense fearfulness of
 certain adults, e.g. will urinate or vomit when the returning father's
 voice is heard. Ill-treated children may be less likely to look
 to parents for comfort and may not clamour to be taken home. Such
 children may be wary of physical approval from one or other parent
 and may show apprehension when an adult approaches another crying child.
 Older children may show the well known reversed caring - anxious
 watching of mother, offering her one of her cigarettes, or patting
 her. The most recent studies of the development of these children
 has been carried out by Martin and Beezley (146); they record these
 frequently occurring findings: impaired ability for enjoyment,
 behavioural adjustment symptoms, low self-esteem, withdrawal, opposition,
 hypervigilance, compulsivity, pseudo-adult behaviour, school learning
 problems. Over 50% of these abused children had poor self-concepts,
 and were sorrowful and unpopular children.

35

Abusing parents are less likely to volunteer information about the child's illness or injury, and may be evasive or contradictory. Battering husbands or cohabiters often prevent the mother from taking the child to hospital until too late and then instruct her what to say. Abusing parents may show (and genuinely feel) great distress but are less likely to ask about how long the child will be kept in hospital or about follow-up care. Such parents may be critical of the child or even angered with him for being injured. They show 'distant, mechanical handling', best seen in the dressing and undressing of the child, where the lack of sympathy in the parent and apprehensiveness of the child is apparent. There may be lack of confidence in performing, or frank revulsion from, ordinary parental duties (changing nappies, feeding playing with).

36

Collusion between parents is usual either willingly, under duress, or more subtly by gradual stages of identification as described by Professor Millgram (29) in his book OBEDIENCE TO AUTHORITY.

37

Pollock (42) has suggested relevant areas of questioning. They centre about the parents anxiety and self-confidence in the parental role and cover attitudes to crying, refusal of the baby to be comforted, being left alone with the baby, being observed while caring for the baby and how realistic their expectations of the baby proved to be.

38

The essential need for good communication between different branches of the caring services is now well recognised and was greatly and properly stressed at the NHS Conference on 19 June, 1974 (Non-Accidental Injury to Children, HMSO, 1975). The regional and area Review Committees are central in this respect and should form the focus of interchange of information, records and communication in every aspect of this problem.

PREVENTION

39

The long dependency of childhood is both our strength and weakness. It permits relegation of instinct in favour of learned and highly adaptive behaviour, but it renders the child dependent upon protecting and loving parents, and if these fail the outcome may be disastrous.

It is a general biological truth that organisms and organs undergoing rapid growth are particularly vulnerable. Linked with this are the embryological and developmental facts that growth proceeds in spurts and plateaux, and has critical periods which if interfered with may not recover and thus lead to incomplete development.

These are compelling reasons for giving priority in all services to mothers and children. Prevention therefore basically is a matter of cultural, economic and political aspects of child rearing practices.

40

Of the primary prevention services - those which are applied to healthy people in order to keep them so - two reach everybody, or very nearly so; these are health visiting and education, and **closely behind** these are the primary health teams led by the general practitioners, and the antenatal and well baby clinics, for these services are primarily concerned with maintaining good health not with treating illness. The same may be said of pre-school play groups and nurseries. If by analogy, we are to aim at preventing cholera rather than devising clever ways of treating it, then these five services are the nearest we can get to removing (like Dr. Snow) the pump handle and eradicating the trouble.

41

The DHSS has recently stated its priorities (125) and recognizes the importance of Health Visitors. "In particular the growth envisaged for the primary care services as a whole, and for health visitors in particular, who devote a significant proportion of their time to preventive measures for families, should enable more resources to be devoted to prevention" (p.22). "Hospital assessment services for newly

born and very young children have an important preventive role, and they too should be developed" Handicapped children including abused and neglected children, are recognized as "one of today's chief problems in health" (p.62). The expansion of the health visiting service is to be increased from their present strength of about 4,000, to over 7,000 as a "high priority" (p.64).

42 Such measures are necessary, and to be effective there should be a closer link between health visitors, general practitioners, family planning services, teachers, play-group personnel and community leaders, so that each may raise the understanding of the others. An excellent focus for such meetings is the group practice health centre. An Oxford primary health team which was described to us, has its own attached health visitor and social worker, runs groups for mothers with babies, and conducts lunch time seminars involving key figures in combating baby battering.

43 The schools may be a child's first experience of non-punitive handling and democratic relationships. In it a child who is not too damaged may, if the regime is sound, learn to respect others and value himself. This aspect of education is more important than later didactic teaching. Programmes of simple developmental psychology (the basic needs of children) and, later, parent craft should be organized. Older children could work in play groups, with mutual advantages.

44 The media of communication could be utilized for adult education and for enlisting voluntary workers. Although it may not influence established battering parents, people generally should be aware of the consequences of severe punishment, not only physically (e.g. the fact that shaking a young baby may cause brain damage, blindness, mental subnormality, and possibly death) but also psychologically.

It has been suggested that the long human period of gestation, during which the prospective mother is naturally interested in preparation, should be used for her and perhaps her husband's education. Such endeavours are already made in France and Sweden (126, 127, 128) and in some of our own antenatal clinics, and could with advantage be improved and increased.

45 Megan Jobling (154) in her excellent annotated bibliography mentions that Kent County Council is mounting a poster programme as a means of appealing to the public and the London Borough of Merton has arranged for police cadets to spend 3 months working with experienced social workers before starting their police training. Several Councils and Voluntary Services (notably the Samaritans) have established 24-hour "hot lines" or "life lines" for parents who feel at risk. In the United States and Canada self-help groups on the lines of Alcoholics Anonymous have proliferated.

46 The doctors like everyone else not only need to be educated but to have the lessons periodically repeated, for there is that about the misery of the battering situation which tends to be denied. Obviously medical students must know the facts and share part of the education with lawyers and social workers, and in turn be prepared to instruct others. Key figures in the medical scene are the general practitioners, the casualty officer and the paediatric registrar (who decides whether or not to make one of his precious beds available in a doubtful case). Emphasis needs to be placed on the casualty department particularly in big hospitals which may not have a paediatric department (because there will be a separate paediatric hospital elsewhere in the locality). These casualty departments may be manned by doctors who have as yet little experience of the culture. The Accident Officer may have an important part to play. Hospital psychiatrists sometimes work closely with the self-poisoning units, and might develop a similar relationship with the accident unit.

47

Wynn (129) points out that our infant mortality rates lag behind other European countries. In Finland and Sweden a baby under 12 months is visited on average between 3.5 and 3.1 times, a rate which is more than three times that achieved in Britain. Countries with the lowest infant mortality favour major branches of the medical and nursing professions specializing in work with children both in the community and hospitals (129). The British trend away from nurses specialized in health care of young children is retrograde "Health visitors are surely the only possible nucleus for such a service in the community"

48

France has succeeded in improving the frequency of examination of children, particularly in backward areas, by making family allowances contingent upon a certificate of examination of the child, before 8 weeks, at 9 months and at 2 years. French law prescribes 17 other examinations but not requiring certificates (129). It is possible that this French legislation has achieved its results, or part of them, by influencing backward local services, as well as through stimulating parents, but there can be no doubt of the effectiveness of an improved home visiting service to children. Scandinavian countries have achieved this without linking allowances with examination. The Thomas Coram Research Unit (130) has shown in an area of London that systematic home visiting by health visitors can reach 97% of children. The French Medical Inspectorate has recommended a substantial increase in home visiting of pre-school children and a corresponding increase in suitably trained staff (129).

49

Wynn draws 4 important conclusions:

- "(1) The children of those nations do best who have a preventive health service for pre-school children established by legislation. There should be child health centres as local centres of the national service in every community, where possible combined with health centres"
- "(2) A main aim of such centres should be the highest possible coverage of all pre-school children in the community. This aim can only be achieved by adequate home visiting. Health visitors should not be used for duties other than preventive child health, their original purpose.
- "(3) There should be community consultant paediatricians in every area with responsibility for the child health centres including health visitors and home visiting.
- "(4) A main role of a community child health service is to provide parents with all the help and advice they can use in rearing their children. This is the primary purpose of home visiting by health visitors. We have not yet taken the measure of how much help parents need or would welcome, if we include the concept of child health care normal development, common childhood illnesses and the special needs of children with different degrees of handicap, frailty or behavioural disorders". (129)

50

We subscribe to these four conclusions and would only add that some endeavour should be made, perhaps through a 'centre of excellence' (i.e. an area in which the effects of a child care organization which is as nearly as possible ideal can be researched), to introduce self help into the screening services for children, not only because our capacity to proliferate services is limited, but also because such a move may be positively advantageous. Such a scheme would probably depend upon defining neighbourhood units sufficiently small to permit individual families to identify themselves therewith. The health visitor should be concerned with promoting an association of mothers in that unit, and although the individual home visit would be the basis of the system, there would also be group meetings in which parents could be

encouraged to help one another and perhaps (without snooping) give some indication of how to draw in or at least identify the small hard core of isolated, hesitant families which is so important in considerations of violence and other social failures within the family. The Maria Calwell report demonstrated very clearly that neighbours know what is going on. It is up to us to provide a channel along which they may communicate. It should be one of the duties of Area Review Committees to provide communication at all levels: inter professional, community to services and services to community. All concerned should know the whereabouts of the Area and District Review Committees, which should be the centre of this communication.

LEGAL ASPECTS

- 51 There is no single jurisdiction to deal with family problems which may be dealt with in High Courts, County Courts, Magistrates' Courts or juveniles courts.
- 52 The Juvenile Court is largely concerned (in the present context) with cases under the Children and Young Persons Act 1969. Many cases of child abuse are complex and highly contended and the facts are not always easily uncovered. The following complaints have been strongly and repeatedly made
- 1) the psychiatrist giving evidence frequently feels that he is unable to give the relevant important facts.
 - 2) Solicitors appearing before these courts are inexperienced and unable to help the medical witness to state his case; the necessary facts have often not been collected or presented.
 - 3) The court is unable to transfer the case for hearing by a High Court judge if the complexity becomes too great.
 - 4) The child has no separate legal representation; it sometimes appears that legal aid is granted to parents and then used against the best interests of the child, with no proper opportunity to combat it.
 - 5) Social Workers make their reports but are not qualified to represent the child.
 - 6) Magistrates are sometimes poorly informed in the applied social services they may sometimes simply want to be informed by the psychiatrist whether or not the parent is "mentally normal" and bases his decision upon that.
- 53 Many of these difficulties would be met if the whole of the Childrens Act of 1975 were to be implemented (providing a guardian and better legal aid for the child).
- 54 It has been argued that the services of the Official Solicitor should be available to juvenile magistrates' and county courts in order to provide an independent legal representative capable of making his own investigation of the facts and of organising witnesses.
- 55 The report of Justice (149) recommends family courts staffed by professional judges and magistrates with special qualifications, experienced and interested in the work - all to be subjected to suitable training. It would include amongst its staff a new officer, trained in law and social services, to act as overseer of children's interests in custody suits, and to be called the "Children's Ombudsman".
- 56 Michael King (Lecturer in Law, University of Warwick) (15) makes the following recommendations

57 "The special selection of magistrates who are to sit in domestic courts;

"The introduction of compulsory, government approved training courses for magistrates selected to sit in juvenile or domestic courts, such courses to include teaching of the principles of child welfare:

"The withdrawal from the domestic courts of their power to make custody and access in respect of young children until properly selected and trained panels of magistrates have been formed.

58 "The development of a court welfare service, from the probation service and local authority social services department, to include psychologists, child psychiatrists and social workers who could be called upon by the court whenever the need arose for expert investigation or expert opinion. Members of the court welfare service should be required to have a knowledge of the law relating to children and they should also have received training in advocacy.

59 "A broader based education for trainee barristers and solicitors to include teaching in child welfare principles;

"A clear statutory statement that in any court case where a child's welfare is involved, the judge or magistrates should have a duty to ensure that the child's interests are adequately protected and that all available information concerning the child and adults responsible for his welfare is presented to the court."

60 A possible additional function of the Area Review Committee should be the keeping of a list of experienced experts in these matters.

61 We are informed that Wardship procedures might be more effectively and frequently used. Any person having a genuine interest in a child may issue a summons and make the child a ward of court. The procedure is commonly supposed to be a slow and cumbersome (probably because of the image built up in the novels of Charles Dickens and his fictitious solicitors, Jarndice & Jarndice). Chancery courts are already able to appoint the official solicitor to act for the child, and are able quickly to block any attempt to remove the child from the jurisdiction of the court.

62 It is observed that sometimes the child is kept with foster parents or in a Home, under repeated interim care orders, pending the hearing of criminal proceedings against the parent, and we feel that it may be better to complete the juvenile court proceedings not only to reduce uncertainty for the child but also in the hope that the protection of the child under a court order may avoid the usually useless and unproductive punishment of the parent.

63 AREAS OF RECOMMENDATION

| | <u>Para. Nos.</u> |
|---|-------------------|
| Voluntary workers and self help | 5 |
| Some form of operative classification is necessary to conserve effort | 7, 8, 12 |
| Further follow-up studies and research on prediction | 10, 11, 18-28 |
| Further education of the public | 43, 44 |
| of doctors and social workers | 29-37, 46 |
| of police | 45 |
| Basic importance of cultural, economic and political aspects | 38, 39, 40 |
| Priority of Health Visitors | 41 |
| The need for a system of specialized pre-school screening | 46-50 |
| Training and community function for health visitor | 50 |

| | <u>Para. Nos.</u> |
|---------------------------------------|-------------------|
| Representation in court for juveniles | 52-54 |
| Training of magistrates and judges | 55 - 56, 57 |
| Training of solicitors and barristers | 59 |
| Court welfare service | 58 |
| Wardship | 61 |
| Priority for juvenile court hearings | 53 |
| Nurseries | 5, 28 |
| Review Committees and communication | 38 |

31 May, 1976

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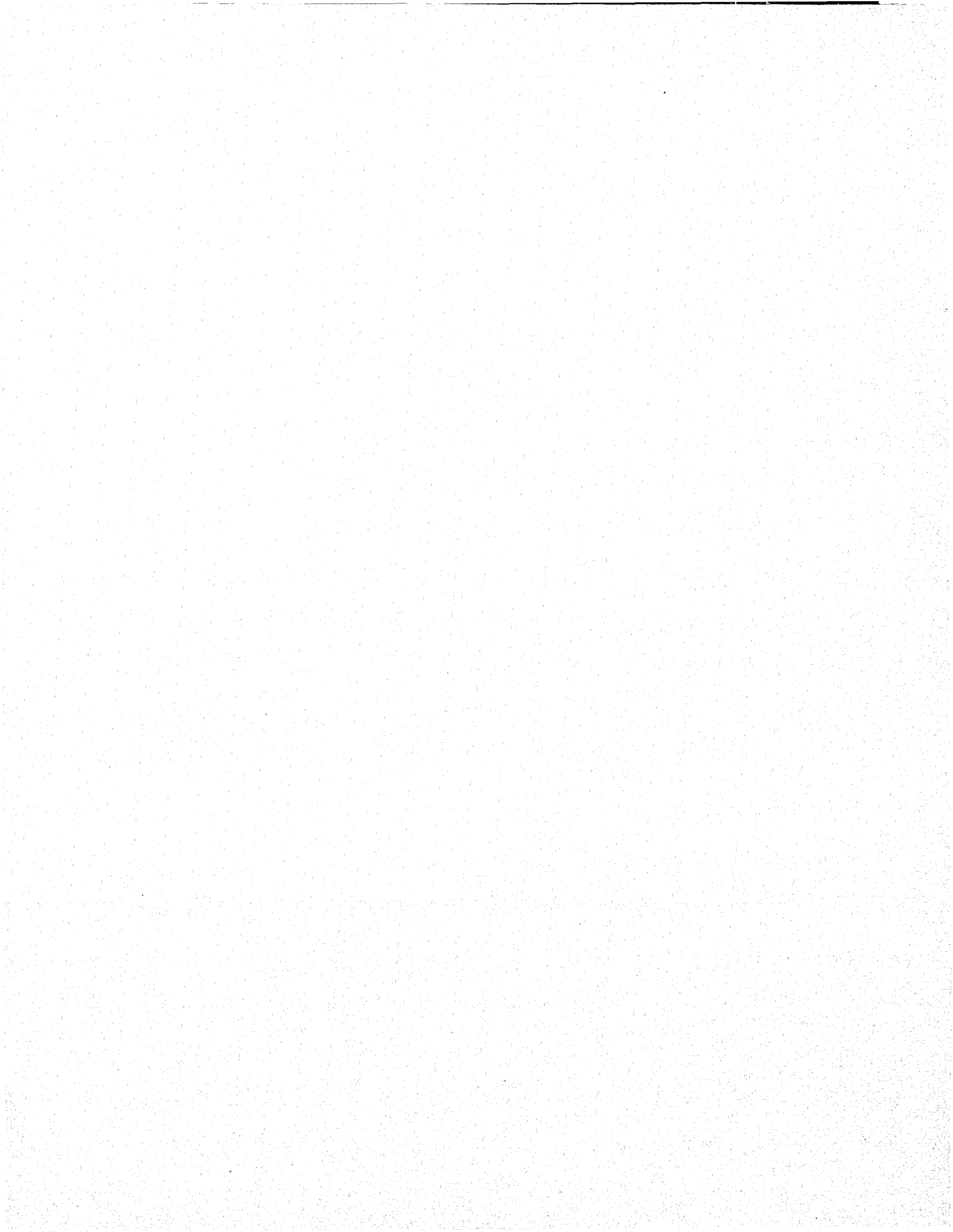
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