

THE GRAPEVINE



ABUSE CLAIMS REJECTED BY JUDGE

On 2 June, Judge Lord Drummond Young threw out three test cases actioned against the nuns of Nazareth House, Glasgow. His reason for doing so was that he did not want to prejudice the present good works carried out by the nuns.

All three claimants alleged that they were brutally treated at the home as children. However, the three claims were raised long after the normal legal time limits and Lord Drummond Young refused to grant them special dispensation, stating:

“It does not appear to me to be fair that [the nuns’] current activities should be prejudiced because of acts carried out [up to] 40 years ago by individuals who are dead or no longer active.”

He also stated that his decision was to the benefit of the claimants: “It was clear the raising of these actions has caused considerable distress to all three. I cannot think it is in their interests to rake over those memories.”

However, his judgement caused an angry reaction from the claimants, whose lawyers said that they would be making an appeal.

If the judgement is not overturned, it will effectively prevent up to 600 similar actions by alleged victims.

The details of this report were taken from a story in *The Scotsman* on 3 June 2005.

The full story can be read on-line: <http://news.scotsman.com/index.cfm?id=607422005>

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Write for The Grapevine!

We want the articles in The Grapevine to reflect the opinions and interests of all our members. Our aim is to have a newsletter that is written by our members, for our members!

If you would like to write a piece for us, whether it be a story about your experiences in, or leaving care, a report of a news story you have come across, a book review, poem or anything else then we would love to receive it. It can be as long or as short as you like.

Simply send your article, either by post to:

Care Leavers Association
St Thomas Centre
Ardwick Green North
Manchester
M12 6FZ

Or by email to: grapevine@careleavers.com



Forum Feedback

The Discussion Forum, which is available to all CLA members through the website, has had three new members join during May and June. Discussions over the past couple of months have included such subjects as accessing files, the long-term effects of growing up in care and the merits or otherwise of social workers. If you are a member of the CLA and want to take part in our on-line discussions, just access the Forum via the website and register. Vicky will then approve your registration and you can post messages and keep in touch with other CLA members on the Forum. It's very easy to use and is a great way of getting your point across on any subject. Even though it is only CLA members who can use the Forum, anyone from anywhere in the world can read the messages that are posted there.

Charitable status

We recently received what will hopefully be the last set of queries from the Charity Commission and so we should now receive charitable status in the next month or so. This will be a great breakthrough as it will give us special benefits, such as the right to claim Gift Aid on any donations, and it will also open up a number of new funding opportunities to us.

CLR Website

The CLR site continues to grow from day-to-day and we now have 603 registered homes and 738 registered users. At this rate the number of users could reach 1000 by the end of the year, which would be fantastic!

NEW LOGO

Since there have been many changes in the CLA over recent months and since we will hopefully be becoming a newly registered charity, we thought that this might be a good time to update the CLA logo.

We thought that it would be good to involve all members in this process and so we would like your thoughts and contributions for a new image to represent the CLA.

The logo is currently a swan, as you will probably know, and can be seen on the back of this newsletter. However, this does not necessarily have to be included in the new design.

Please submit all your ideas to us either by email or by post, to the usual addresses.

I look forward to receiving your designs!



Donations to CLA

The CLA always needs funds to continue its work, particularly to run the websites. If you would like to donate to the CLA, you can now do so electronically, via both websites. Just go online, look for the 'donation' information and follow the instructions. Alternatively, you can donate in the usual way by sending us a cheque, made out to 'The Care Leavers Association'.

Murder Inquiry On The Isle Of Man

Under the care of social services, George Green attended a school in England. He had returned to the Isle of Man for Christmas in 2002. Samantha Barton had been in voluntary care from the age of 10. She lived at Leece Lodge in semi-independent accommodation ran by a private company on behalf of Social Services. Both teenagers, aged 16, were strangled on the same night. Samantha's body was found inside her flat, George's body was found a few hundred yards away on a footpath. Peter Newbery was arrested a few weeks after George and Samantha's bodies were found and pleaded Not Guilty to their murder.

On the 15th December 2003 Peter Newby, age 23, was found guilty of the murders of George Green and Samantha Barton. Both 16 years of age, George and Samantha were under the care of social services when they were found murdered in Douglas, the capital of the Isle of Man in February 2002. Peter Newbery was sentenced to a mandatory life sentence with a minimum tariff of 20 years. Inquiry specialists Alexander Harris solicitors represent the families of George Green and Samantha Barton. Their solicitor Chris Gawne read a statement on behalf of the families, following the sentencing:

"The families can gain some relief from the fact that the criminal process is now over. They don't feel that any sentence is sufficient to make up for the loss of their loved ones. They have many questions still to be answered surrounding the circumstances of George and Samantha's death's and their lives whilst in care."

"The families welcome the announcement by the Chief Minister Mr Corkhill that he intends to hold a Public Inquiry into the issues surrounding their children's deaths. They hope that the Inquiry will bring about necessary change to ensure that no other family will have to go through the traumatic events that these families have had to endure."

"These murders have shocked the entire community. It is important that these matters, which are of wide public importance, will be examined independently and where appropriate in public." "The Inquiry must effectively examine not only the circumstances of George Green and Samantha Barton's deaths but also the care system in the Isle of Man as a whole. Questions have been raised concerning the input provided to children in care by social services and other state bodies and the environment in which these children are living."

"We hope that the Inquiry will be constituted as soon as is reasonably possible and will result in a set of recommended changes so that vulnerable children get the help and protection they need in order to minimise the risk of these tragic events reoccurring in the future." The Green family have added: "The loss of George is still hard to believe. We hope that lessons will be learnt after his death and concerns about the care system in the Isle of Man will be addressed at a Public Inquiry."

Information passed on by Phil Frampton (CLA member)

Care Leavers At University

The Results of the 'By Degrees' Research conducted by Sonia Jackson and The Buttle Trust

In May I attended a conference in London, hosted by The Buttle Trust, to mark the conclusion of their *By Degrees* Project.

The Buttle Trust is a national children's charity, which provides grants for basic items in times of crisis, such as bedding etc. It also provides educational grants to young people who would otherwise be unable to pursue further education.

The *By Degrees* project tracked 129 care leavers, from three different intakes, through their time at university over a period of four years. The aim of the study was to record the experiences of care leavers pursuing higher education and to record the effects of a care background on university study.

At the start of the study, it was estimated that only 1% of young people from care went on to higher education. At the conference, it was announced that new research now showed a figure of 5%. Nevertheless, this remains significantly lower than the 43% of the general population who pursue university study.

All the young people involved in the project said that they thoroughly enjoyed their time at university and the drop-out rate amongst them was actually lower than the national average. Almost all of those who did drop-out were from the first intake, who started at university before the Children (Leaving Care) Act came into force.

Sonia Jackson, who led the research project, described the findings of the research and the recommendations it has produced. As a part of their research, she and her colleagues surveyed local authorities and higher education institutions. Professor Jackson highlighted the need for increased awareness amongst higher education institutions of the unique position of care leavers and their needs as university students. Most did not initially think of care leavers as a group in need of particular attention, she reported.

Adequate local authority support was also crucial to smooth and successful completion of a course. At present, care leavers are not guaranteed to receive this from their local authorities, with some authorities having no policies in place to deal with young people in their care going onto higher education. The research highlighted a great disparity in the support provided by individual local authorities. As a general rule, there seemed to be far greater provision of support from southern authorities than northern ones. The Children (Leaving Care) Act may have had a positive effect, but there is still a lot of room for improvement and local authorities would do well to take on board the findings of the research and look at ways to encourage more care leavers to fulfil their educational potential.

Victoria Hull, National Development Worker

For more information about the Buttle Trust and the *By Degrees* Report, visit their website at : www.buttletrust.org, or contact Vicky at the office.
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Care Leavers & The Human Rights Act

CLA member Stephen Morris gives his view on the impact of the Human Rights Act on Care Leavers

The European Convention on Human Rights (ECHR) was established after the Second World War as a response to the holocaust perpetrated by the Nazi state against innocent minorities. The ECHR was incorporated into UK domestic law via the Human Rights Act 1998 (HRA). Prior to incorporation, individuals in the UK faced a long wait to have their cases heard by the European Court of Human Rights (ECtHR) in Strasbourg.

Despite this long wait, in 1989 Graham Gaskin took his case to the ECtHR because Liverpool Social Services, supported by the lower courts and by the House of Lords, had denied him access to large parts of his care file. The ECtHR found that the UK had breached Gaskin's human right to know about his childhood and early development. Denying information about childhood, early development and origins is a way of denying someone their identity. Perhaps the ECtHR had in mind the Nazi concentration camps, which among other things sought to deny inmates their personal identity, when it reached its decision in favour of Gaskin. The inmates of the concentration camps were innocent, just as children brought up in care were/are.

For care leavers in the UK, the finding of the ECtHR was a watershed. Since the Gaskin case, care files have been 'opened up' and the British social work and legal establishments have been forced, kicking and screaming, into recognising that individuals who are passing, or who have passed, through the care system qualify as human beings: a radical concept to the great and the good, apparently!

Prior to the Gaskin case, the social work establishment viewed individuals in care as having no moral rights to understand their childhood and early development or to an identity as individual human beings. The social work establishment probably viewed people in care as 'moral defectives' and this is certainly the view that emerges from reading my care file, where it explicitly states - repeatedly, without much evidence - that I had few moral qualities. I suppose I should be grateful that I didn't suffer transportation to the colonies, like yesteryear's convicted criminals and Child Migrants. The latter were forcibly 'relocated' by the child care charities for the heinous crimes of being poor, or orphaned, or deserted!

One particular consequence of the Gaskin case is that the Data Protection Act of 1998 contains special provisions that allow social services care leavers access to their care files. In contrast, the Data Protection Act does not catch voluntary social work care files unless they are stored, most improbably, on computer.

To achieve access to their care information, a care leaver from the voluntary social work sector must depend on his or her ability to grovel and/or on the voluntary organisation's pity and charity. Unlike for care leavers from the state sector, no right of appeal is available if access to part or all of a voluntary social work file is denied because of error or maladministration. This means that the care leaver is obliged to place blind trust in the voluntary organisation's social workers' decisions and *infallible* judgements. Social workers don't make mistakes, do they?

One thing often heard in the context of accessing care files is the adjective 'third party' when describing information ['Third Party' information refers to information about someone other than the subject of the file or the person or agency writing the information. Usually it will be information about a parent or sibling, but it can include anyone else referred to in the file, such as other children that you were in care with]. The claim that information is 'third party' is often used to justify withholding information from a care leaver. It has become a mantra, akin to witchcraft, in that chanting this phrase often enough gives it the property of a spell such that all who hear it become reverential. If enough people believe in the spell then it becomes potent. However, despite the chant of 'third party' information, it is not sufficient for information to be either 'third party' or 'confidential' to justify withholding it. If the 'third party' information is relevant to a care leaver's childhood and early development, the decision to withhold can be challenged on the grounds that Article 8 of the Human Rights Act has been breached.

Nor is a 'duty of confidentiality' to a third party sufficient reason to withhold information. A balancing exercise must be undertaken between (a) the care leaver's entitlement to details about his/her childhood and early development and (b) the third party's entitlement to data privacy. A duty of confidentiality to a third party can easily be overridden if a care leaver's need to ascertain his or her identity is at stake. For example, information pertaining to abuse committed by a parent against a child may be withheld on the grounds that it is confidential information about a third party. Releasing such information, it is argued, would breach the duty of confidentiality owed to the abuser. An additional justification for withholding such information may be that a duty of care is owed to the abuser.

The duty of care is said to exist because the social work authorities and the legal establishment presume criminality in care leavers such that a care leaver, on discovering they were (say) abused as a child, is likely to seek to inflict physical harm on the abuser. Care leavers are over-represented in the criminal statistics, arguably due to the poor quality of care supplied by the very organisations that now seek to withhold information on the grounds of presumed criminality! One of life's ironies, I shouldn't wonder. Again, notice the similarity between the Nazi presumption of defective genes to justify their treatment of minorities and the British social work and legal establishment's presumption of criminality in people in and from care.

The recent case of *M.G. v UK*, heard in the European Court of Human Rights (ECtHR), concerned a care leaver whose records described parental abuse. These records were withheld by his local social services authority, which also denied that the information existed! M.G. was patient and took the UK to the European Court of Human Rights in Strasbourg.

The ECtHR found unanimously that M.G.'s entitlement to understand his childhood and early development had been breached by the United Kingdom authorities. This was a unanimous finding. The M.G. case suggests that a care leaver who suspects that information concerning parental abuse/negligence/desertion has been withheld should appeal to the Information Commission or to the High Court. An appeal to the High Court requires a solicitor and is the only available appeal mechanism to voluntary sector care leavers, because their care information does not fall within the Information Commission's jurisdiction. An appeal to the High Court must be lodged within three months of the voluntary social work authority's decision to withhold the information, otherwise the appeal will be time-barred.

Care leavers owe their rights of access to care files and to their identity to the European Convention on Human Rights. These rights were not available within purely domestic law. Because the European Convention on Human Rights was conceived to prevent a repeat of the atrocities committed by the Nazi state against minorities, care leavers in the United Kingdom owe their rights of access to the genocide committed by the Nazis. I think most of us would agree that this is a very high if not unacceptable price. It is tragic that it took the Nazi atrocities for care leavers to win the basic human right to understand their childhoods and early development and the reasons why they were stigmatised and raised outside a family. It is a pity that people from care could not have looked to the British legal and social work establishments to have supplied them with their human rights.

Stephen Morris

Memories of Holmleigh

One of our members shares some memories from her time at Holmleigh, in Lincolnshire

Holmleigh was a massive complex of ten cottage homes, built in the early 1930s. In its hey-day, over 100 children lived there at one time.

The Superintendent and Matron oversaw the home and lived in separate accommodation within the grounds. The superintendent was responsible for enforcing discipline, which was usually done through corporal punishment. The home had a large fence around its perimeter and to me it felt as if we were not quite part of the local community, although I went to normal school and attended weekly girl guides meetings.

Every week I visited the Holmleigh laundry, as it was my job to take wet sheets to and from there. I recall that I was the worst offender in this regard. Some housemothers verbally humiliated me about being a bed-wetter. I remember that our hair was always cut in the same basin cut, all our clothes were similar and we were fed cold liver malt throughout the winter months! There was also a song, which was made up by the older children, that I remember singing:

Come to Holmleigh, Come to Holmleigh
It's a rotten place to live.
Round the corner there's a signpost saying come live happily,
Don't believe it, don't believe it,
Its all a pack of lies!
If it wasn't for the Aunties we'd live in paradise!
Build a bonfire, build a bonfire
Put the Aunties on the top,
Put the Uncles in the middle,
And burn the jolly lot!

Anon

SUMMARY OF RECENT MEETINGS

It was agreed by everyone at the last CLA meeting that we would, from now on, include a summary of the meetings in the newsletter, to keep everyone informed about recent decisions and developments. Here are the summaries from both the Exec and the Open meetings held on 28 May.

Exec

Attendees: David Woods (Chair), Jim Goddard, Mary Clear, Victoria Hull (Minutes)

- Up-to-date accounts were produced, along with schedules of current members and the number of enquiries received. It was acknowledged that the number of enquiries continues to grow steadily.
- Jim Goddard gave a description of the meeting with the Association of Child Abuse lawyers (ACAL), which took place in April. It was agreed that working alongside ACAL on the time limits issue would be a positive action to take.
- It was agreed that the CLA should accept GMCVO's offer of a larger individual office at the St Thomas Centre and that preparations for the move should begin.
- It was agreed that summaries of all meetings should be included in the newsletter in future.

Open

Attendees: David Woods (Chair), Jim Goddard, Mary Clear, Neville Ball, Ian Dickson, Patricia Tello, Stephen Morris, Victoria Hull (Minutes)

- It was decided that there should be a trial of inviting guest speakers to some of the future open meetings and that an agenda for future meetings should be displayed on the website. However, it was decided that this should be a flexible agenda in order to maintain a degree of spontaneity.
- Stephen Morris' recommendations on Civil Registration were accepted as proposals and will be added to the website and included in the newsletter.
- It was agreed that the CLA supported Baroness Barker's question in the House of Lords.





NEWS FROM DOWN UNDER

We maintain a regular correspondence with Care Leavers of Australia Network (CLAN), our sister organisation in Australia, and I'm pleased to report that they continue to go from strength-to-strength! Here's some of their news:

- In April 2005, the Western Australian Government welcomed the Senate Inquiry Report and made an apology to all the children who grew up in institutional care in that region. The government's statement went as follows: 'The western Australian Government acknowledges and accepts that children in institutions suffered emotional neglect and many suffered physical and sexual abuse by those entrusted with their care ... We apologise to all those people who were harmed as children while in institutional care and express deep regret at the hurt and distress this caused.'
- The CLAN website has proved to be very popular. You can visit it at, www.clan.org.au. Since 2003, they have received 898, 301 hits on the site and had visitors from across the world. The highest numbers of hits from outside of Australia come from the UK, Netherlands, New Zealand, Canada and the USA
- CLAN run a library for their members, which includes audio and video material and news articles as well as books. The library now has 529 books. More details can be viewed online.

For more details about CLAN, you can visit their website, or contact them via one of the following methods:

PO Box 164
Georges Hall
New South Wales 2198
Australia

Tel: (02)97094520 Email: support@clan.org.au
www.clan.org.au

ACAL Meeting

Aiming to reduce legal time restrictions in abuse cases

On 22nd of April, Barbara O'Grady, Vicky and myself met up with members of the Association of Child Abuse Lawyers (ACAL). From ACAL, there were Richard Scorer, Peter Garsden and other lawyers with experience of helping past abuse victims from the care system. There were a number of useful things which came out of this meeting.

The first was that they still have a lot of cases on their books where they are seeking compensation for past abuse. The second is that they want to tackle the time limitations issue. Their recommendation is that we should push to make the law easier. This would be done by making the law on 'assault' the same as that for 'negligence'. For the latter, time limits still exist but exceptions are allowed. There is a piece of draft legislation already in existence which would change the law in this way, and which would also extend the 'exceptions' to make it easier for care leavers to pursue claims later on.

At the Open meeting on Saturday 28th May, we discussed this issue and agreed to support ACAL on this. In the long term, we might want to get rid of time limitations altogether (as they have done in Canada, apparently), but there seems a much better chance at this point of getting this draft legislation – which has been prepared by the Law Commission – made into law if we work together with ACAL on it.

Jim Goddard, Secretary.

On the following page there is a letter, which was drafted by a member of ACAL and sent to his local MP. If you believe, as we do, that time limits in abuse cases should be extended, if not abolished completely, then please copy the letter and send it to your local MP. If enough people write it will help to bring this important issue to parliament's attention and hopefully push through the draft legislation, making it easier for care leavers to seek justice in the courts.



Dates For Your Diary



Future Meetings: 23 July
24 September

At these future meetings, we are hoping to have some items on the agenda for discussion and sometimes a speaker or presentation. We will let members know about this beforehand. However, we will still try to keep plenty of time for socialising as well and make sure that we go for our usual lunch at Canal Street afterwards.

As well as the meeting dates, there is likely to be a conference on Access to Files held in London in November. This is being organised by Jim on behalf of the University of Bradford and by Julia Feast from the British Association for Adoption and Fostering. Since it is based on Jim's research with Access to Records Officers in local authorities and voluntary organisations, it is mainly for professionals. However, we want care leavers with experience of accessing their files to be able to go along, so that we can begin a dialogue with the professionals involved and increase their awareness of the issues from a care leaver's perspective. We are looking at trying to get about a dozen subsidised places at the conference, but watch this space for more details!

At our meeting on 28 May, we also discussed the possibility of a conference of the Careleaversreunited site, once we reach 1000 members. That is likely to be in the early part of 2006

Autumn Newsletter Copy Deadline: 31 August

National Leaving Care Week: w/c 24 October

ANV Fashion Show at Tate Britain: 27 October

Annual General Meeting: 26 November

Sexual Abuse Debate

Throughout the month of April, there was a heated dispute conducted through the letters pages of 'Community Care' magazine about the extent of past abuse in the care system. The Care Leavers Association played a full part in that dispute. If you are interested, look at the article in April 7th issue by Jean La Fontaine and the letters pages in the three weeks following.

For anyone who doesn't know, 'Community Care' Magazine is the leading magazine for people working in the social care sector. This means that it is read by a lot of social workers. It is also read by a lot of workers in the voluntary sector and by a lot of social services clients. This makes it very influential, so it was important that we took part in this debate.

The whole thing started in the issue for April 7th. This issue contained an article by a Professor Jean La Fontaine. Her article claimed that there was no evidence of organised sexual abuse in the care system in the past. The existence of the article was flagged up by Phil Frampton, member and former Chair. There were several things wrong with her article, but my main objection was to her claim that: "until the end of the 20th century, there had been no organised abuse or even very much individual abuse in children's homes". She later claimed she was only referring to sexual abuse, but even if so, she is still wrong.

A number of people wrote in, rubbishing her claims, and had their letters published. I wrote in, on behalf of the Care Leavers Association. Phil Frampton also wrote in. So, too, did Liz Davies. Liz is now a university lecturer in London but in the past was a social worker who was instrumental in helping to uncover the Islington abuse scandal that Margaret Hodge, then Leader of Islington Council, denied at the time. Finally, the article was also heavily criticised by Ian Wilson, Corporate Director of Social Services for the London Borough of Tower Hamlets. Ian Wilson has since written to the CLA, explaining that he was "absolutely furious" with La Fontaine's article. His original letter had criticised it as "twaddle" and stated that he was "absolutely gobsmacked by the crass generalisations" that it contained.

So, what can we learn from this episode? Firstly, that there are still a lot of senior professionals and others out there who refuse to accept or believe the extent of past abuse that we know existed in the care system of past decades. Secondly, that these people are publicising their case and we have to challenge them. Thirdly, that there are other professionals out there who agree with us about the seriousness of the past abuse issue and that we can and should work with.

If any members become aware of issues like this in the media, please let us know as making your own response. We need to continue to challenge the backlash that has started over historic abuse.

Jim Goddard

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OUR MISSION

The Care Leavers Association actively advocates and supports radical changes within the care system and services for care leavers. We also act to protect, promote and strengthen rights for care leavers and to empower our members through support, education and training.

Our mission is to challenge negative public perceptions and social stereotypes of children in care and care leavers and to create an environment where care leavers are respected and get the support and services they need and deserve. We welcome care leavers of all ages, from 18 onwards!

WRITE FOR THE GRAPEVINE!!!!

We want The Grapevine to reflect all our members views and experiences, so please write to us! Submit your material by the end of August for the next edition!



Submit your stories
etc to the office or email
them to:
Grapevine@careleavers.com

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