



## JOINT PRESS RELEASE

from BASW, Nagalro, ISWA, and WillisPalmer

Monday 12 July 2010

### **Excluding independent social work expertise from courts is dangerous for vulnerable children**

Independent social workers (ISWs) who work as expert witnesses in the family courts expressed astonishment at remarks made last week by Marion Davis, chair of the Association of Directors of Children's Services, which appear to show a lack of understanding of their role in court proceedings. Ms Davis' suggestion that ISWs "*undermine social workers' professional judgment*" was felt to be unwarranted and divisive.

ISWs point out that Children's Services and courts frequently call on their expertise when they need skilled and timely assessments in difficult family cases. Sir Mark Potter, when President of the Family Division, described the input of ISWs as "*valuable...in what are often the most complex family cases.*"<sup>1</sup>

The ISW role is not to "*check*" the work of other social workers, as Ms Davis seems to think, but to provide expert opinion about specific issues that crucially affect children's safety and wellbeing. At a time when expertise in child protection social work is desperately needed it would be extremely dangerous to underestimate the impact on vulnerable children if ISWs were not available to assist courts.

The Ministry of Justice has admitted it lacks evidence about the use of ISWs in court proceedings. Despite this it has excluded independent social work expert witnesses from consideration by its expert witness review group, a decision that BASW, Nagalro, ISWA and WillisPalmer have asked Jonathan Djanogly, the new minister responsible, to reconsider.

The agencies representing ISWs question why social work is the only professional group to be excluded from the expert witness review group's remit.

The agencies warn against making decisions without proper evidence. As the Family Justice Review and the Munro Review are about to start work they say that any premature decision on policies that would limit ISW availability to the courts poses an unacceptable risk to children.

Ann Haigh, Chair of Nagalro said:

*"I'm afraid these comments do a disservice to the whole social work profession. The sound judgment of one professional is no threat to that of colleagues, and should be welcomed by all as a means to secure the best interests of children."*

*"Nagalro supports the government and the social work task force agenda which is to retain and value experienced social workers and their professional judgement, especially in child protection. It is unfortunate that such a powerful organisation as ADCS should appear to criticise social work colleagues in this way."*

Nushra Mansuri, Joint Manager, BASW (England) said:

*"BASW is also extremely concerned about Marion Davis's comments about curtailing independent social worker involvement in family court proceedings because of the potential risks posed to vulnerable children."*

*"We are disappointed that ADSC has not replied to the letter we sent several weeks ago asking to meet with them to discuss this important issue."*

Phil King of ISWA said that:

*"The comments of Marion Davis are completely out of touch with those professionals who work at the coalface. The majority of social workers, children's guardians, lawyers and judges do not share her views but rather welcome the assistance of expert social workers in trying to resolve some of the most complex cases. Her comments are most unfortunate at a time when we have a unique opportunity, by way of the Munro Review, to work together to improve the role and status of social work. These are testing times and we need inclusive rather than divisive comments to embrace all parts of the profession."*

Mark Willis, of WillisPalmer said

*"It is hugely disappointing that Marion Davis seems to have so little knowledge about the important work ISW's undertake in court proceedings as expert witnesses. Moreover, many local authorities work closely in partnership with organisations such as ours and would not support her views".*

1. Letter from Sir Mark Potter, President of the Family Division and Head of Family Justice, to ISWA Ltd, dated 4<sup>th</sup> November 2009

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## **NOTES TO EDITORS**

BASW and Nagalro, professional associations for social workers, are working with ISWA Ltd and Willis Palmer, agencies providing independent social work expertise to courts to maintain the availability of expert social work evidence to protect children involved in family court proceedings.

A Joint Position Statement about the funding of social work expertise in the family courts is available from:  
[www.nagalro.com](http://www.nagalro.com) on the Latest News page.

### **Relevant documents**

MoJ Legal Aid funding reforms: Part Three Experts' Fees

Response to Consultation Paper CP/18/09 3 March 2010

<http://www.justice.gov.uk/consultations/legal-aid-funding-reforms.htm>

Family Justice Council Response to Consultation: Family Legal Aid Funding from 2010, para 62, page 16.

<http://www.family-justice-council.org.uk/ourwork.htm#responses>

The final report of the Social Work Task Force was published on 1 December:

Building a Safe and Confident Future: implementing the recommendations of the Social Work Task Force, DCSF-00306-2010

<http://publications.everychildmatters.gov.uk/eOrderingDownload/00306-2010DOM-EN.pdf>

Family Justice Review, commissioned by MoJ, DoE, Welsh Assembly Government:

<http://www.justice.gov.uk/reviews/family-justice-intro.htm>

The Munro review on child protection will build on the work of Lord Laming's Progress Report (March 2009) and the Social Work Task Force:

<http://www.education.gov.uk/munroreview/index.shtml>