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THE HUMAN COST OF BEING AN EXPERT WITNESS

Trish Barry-Relph, Independent Social Worker and Child & Family Therapy Consultant

In summary, an independent social worker (ISW) instructed as an expert is a person who provides expert evidence for use in family proceedings in the family courts (Practice Direction 25B para 2.1 Family Procedure Rules 2010). In practice, an expert provides the court with professional and technical knowledge, not otherwise available, usually medical, psychological or social work. An expert needs to have appropriate professional qualifications, skills and expertise to command confidence. An expert is allowed to give opinion evidence and advises, but the judge decides. In family proceedings, a single joint expert (SJE) is usually appointed.

The ISW owes a duty to the court and reports in accordance with instructions from the parties. The role of the expert involves expert opinion only if it is, 'necessary to assist the court to resolve the proceedings justly' (Children's Act 1989, Section 7A). Essentially, it is the duty of experts to assist the courts.

An expert can have their report challenged based on their knowledge and expertise. The two strands of challenge include: (i) the expert's knowledge and expertise; and (ii) the evidence and experience the expert brings. This article aims to highlight the human cost in the role of expert witnesses, how this can be emotionally demanding and potentially stressful.

The ISW draws on their training and education, supervision, peer review and peer support, knowledge of up-to-date research and the body of theories, case law, scholarly social work articles and Family Procedure Rules Practice Directions

What is the professional relationship of an ISW? According to Claire Winnicott (1964):

'Our professional relationship is in itself the basic technique, the one by means of which we relate ourselves to the individuals and to the problem. But what of the professional self that relates? If we look at it objectively, we find that it is the most highly organised and integrated part of ourselves. It is the best of ourselves, and includes all the positive and constructive impulses and all our capacity for personal relationships and experiences organised together for a purpose – the professional function we have chosen.' (p 12)

In seeking to bring the best of who we are or can be, I am using the whole of myself in the service of the task, in the task of undertaking assessments, that is, working

with parents and children and writing reports for the family court. The ISW is an instrument in the course of the assessment.

What is the body of reflective knowledge that the ISW draws on? Schön (1983) refers to the concept of the reflective practitioner and tacit knowledge and how professionals think in action:

'They exhibit a kind of knowing in practice, most of which is tacit Indeed, practitioners themselves often reveal a capacity for reflection on their intuitive knowing in the midst of action and sometimes use this capacity to cope with unique, uncertain, and conflictual situations of practice.' (p 8-9)