

Working Inclusively with the Socially Excluded

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A study of the challenges confronting social workers who seek to achieve the goals of non-discriminatory practice in relation to clients undergoing child protection procedures.

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Introduction

We live in an era when ‘anti-discriminatory practice’ is a clarion-cry across the helping professions (Thompson 2006), but how achievable is the reality? Discrimination, experts acknowledge, can be seen as a subconscious mechanism (Daniels 2013) designed to protect our sense of self from a reality that might undermine it, which wouldn’t work if we knew we were using it. Is it reasonable to require front-line workers, however highly trained and well-intentioned, to dismantle the psychological constructs of a lifetime and engage with clients stripped of every irrational preconception that has sustained them through life? One of the bonuses of co-ordinating an area voluntary organisation, as I have done since 1989, is that one meets users from every walk of life and gets the opportunity to build a working relationship with them based on trust. *Parents’ Aid* is a charity that provides support services to families living in the Essex area who are at risk of social exclusion and a prerequisite to accessing the service is the willingness of users to acknowledge their difficulty and to accept our intervention. This acknowledgement of their vulnerability commands our respect regardless of the situation that brought them to us: the basis of state services’ involvement in the lives of their clients, however, is often on a less mutual foundation. I shall attempt to illustrate this difference through the discussion of a particular case-history, which highlights some of the experiences of one of our former service users. I have of course, in relation to maintaining confidentiality changed all names and removed other identifying details.

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Case History

Leroy, who originates from one of the islands in the Caribbean, was initially referred by the local authority Children and Families Team to *Parents' Aid* for parenting skills and anger management. At that time Leroy had a two-year-old daughter, Anya, in foster-care under an Interim Care Order. Her parents had separated and her mother, Marlene, had made allegations of domestic violence against Leroy which had led to his arrest and a conviction of Grievous Bodily Harm. Marlene had subsequently proved unable to provide a reasonable standard of care and both parents were seeking residency at the point when I met him. Leroy had been given a custodial sentence by the local magistrates' court for his alleged assaults on Marlene, despite the fact that this was a first offence, but his conviction had been thrown out on appeal and his release ordered. The only evidence that he had used violence against Marlene had been her testimony and she had failed to honour her witness summons in the Appeal Court. However, in consequence of his incarceration, Leroy had lost his job and the local authority now refused to return Anya to his care because Marlene's allegations still carried weight despite the fact that she had in some measure retracted them.

In social work reports, Leroy was presented as an aggressive and abusive partner with little interest in his children. In support of this portrayal were put forward four other children he had fathered, being raised by former partners whose relationship with him had not stood the test of time. Leroy, however, insisted that he kept in touch with all his children. Also used in evidence against him were the facts that he held a black belt in karate, displayed a collection of ceremonial knives on his living-room wall and had previously worked as a security guard—further indicators, it was argued, of his violent character. Finally, Leroy was the proud owner of a very large dog of a breed commonly believed to be vicious, which Anya's social workers were concerned might well be a threat to children. Together he and I worked through the organisation's parenting program and I felt Leroy engaged in the work with energy and sincerity. His views on parenting were largely based on his own childhood experiences, which he described as happy and secure but 'typical of family life in the Caribbean a generation ago', and from which he had inherited an approach to parenting that could be described as paternalistic, protective and authoritarian. He was, however, open to alternative methods of discipline.

Initial plans to return Anya to Marlene's care were abandoned when she tried to snatch the child following a contact visit and the local authority moved to a position of recommending that Anya should be adopted. Seven months later Marlene gave birth to another baby. She insisted that this baby also was Leroy's, a claim he vigorously disputed, and tests subsequently confirmed that the child was in fact single heritage white. Concern was still felt however that Leroy and Marlene might be in an 'enmeshed' relationship because Marlene continued to send Leroy text messages and to follow him and his new partner, Samantha, when she saw them in town together. When Anya was three, the local authority was granted a full care order by the local magistrates' court, together with leave

to place for adoption. On his solicitor's advice, Leroy refused to attend a 'farewell' contact to say goodbye to his daughter because he did not wish to be seen to co-operate with the adoption process. This decision was subsequently used as grounds to question his commitment to his daughter and to refuse him letterbox contact.

Leroy kept in touch with *Parents' Aid* as the legal process continued and the following year asked to complete our anger management course. He had originally been referred to us by the local authority for anger management as well as parenting skills but had then seen no need to undertake this piece of work. This omission on his part had been criticised at the time of the care proceedings, so now Leroy undertook to do some anger management work to strengthen his case contesting the forthcoming application for adoption. Three months previously Samantha had given birth to a son, Logan. In the light of the history, Logan had been made subject to a Child Protection Plan at a pre-birth conference but this plan had been rescinded at the three months' review. Samantha was a capable mother and well supported by her white British parents, who had accepted Leroy into the family. Leroy attended sessions for anger management, one of them with Samantha, and as with the parenting skills course brought his life experiences to the exercise. When Anya was four the local authority applied to the Court for her adoption: she had by then been placed with prospective adopters without contact to her birth parents for 10 months and it was argued that disruption of the placement would be contrary to her best interests. Marlene consented to the adoption: she told Leroy that she had been advised to give her agreement if she wanted to keep her new baby. Leroy contested the application but was unsuccessful. Apart from the work he did with me, Leroy was assessed only by Anya's key worker. Her report ascribed a negative view of Leroy's parenting abilities to me which directly conflicted with the content of the brief report that I had submitted to the Court.

Ethical Issues

Leroy had been unknown to the police and to Social Care prior to his relationship with Marlene. He had always prided himself on his independent means and was outraged that Marlene's allegations against him were accepted without supporting evidence. To Leroy's mind, this proved that even today an accusation made by a white woman against a black man is always given credence. However, by the time Leroy had engaged with *Parents' Aid*, events had conspired to undermine his previously sound reputation and render him at risk of social exclusion. Leroy on several counts was subject to discriminatory perceptions, stereotyping and labelling by powerful cultural and social systems. Firstly, he was from a black minority ethnic group. Secondly, he was a man against whom a charge of criminal violence had been brought and upheld by both the police and the magistrates' bench. The overthrow of this conviction by an appeal court only slightly reduced the attendant stigma, for the fact that the indictment could not be proven

beyond reasonable doubt did not mean that it was without foundation: the local authority was later to argue that on the balance of probabilities—a highly subjective standard of proof—Leroy was indeed the perpetrator of domestic abuse. Thirdly, Leroy was now for the first time in his life out of work; due to his period of imprisonment, he found it necessary to start his own business in order to return to employment. And, last but not least, Leroy was now also a Social Services’ client and the proud father of five had a child in the care system. These factors undermined Leroy’s credibility and affected the view taken of him by professionals involved in the care proceedings, including his own solicitor, who suggested that the court might be more likely to see evidence of change in Leroy if he were to admit some degree of violence against Marlene.

The social workers submitting recommendations to the court were certainly presented with a challenge in their endeavour to maintain objectivity in assessing Leroy’s parenting. They practised in an area that maintained a *zero tolerance* policy in relation to domestic violence and local authority support for Leroy’s application for residency would have involved setting aside Marlene’s disclosures of abuse, while only the two parents knew for certain what had happened when they were alone together. In addition, as Marlene appeared unable to accept either the breakdown of her relationship with Leroy or his right to privacy, any placement of Anya with her father was likely to be fraught with difficulties in respect of maternal contact and Marlene had already attempted to remove her child from local authority care. Finally, an acknowledgement by Social Care that Marlene’s allegations against Leroy might be without basis would have weakened the argument that Anya was at risk of significant harm in her parents’ care and so the basis for a care order. Since the only suggestion that Leroy had ever placed Anya at risk was Marlene’s claim that he had assaulted her whilst Anya was in the home, a shift of position in Leroy’s favour by reporting officers could have cost the local authority its case. In consequence, social workers were obliged to present Leroy to the Court as violent and abusive in order to justify their right to make decisions about Anya’s future. This entailed a perception of his private life and his past relationships which could be described as discriminatory.

Formulating opinions about others not based on their individual merits but rather on their membership in a group with assumed characteristics (Washington 1993) is, according to Denzil Washington, the essence of discrimination. BASW, in its 2012 *Code of Ethics*, lays down as a key value social justice. The code states that ‘Social workers have a responsibility to promote social justice, in relation to society generally, and in relation to the people with whom they work’. (BASW 2012) A laudable principle, however, the values of social justice, equality and fairness may be difficult to uphold when success in the courts can depend on a perspective that highlights the very factors rendering service users at risk of social exclusion—and so liable to discrimination. The mechanics of discrimination have been variously explained by a number of thinkers. Kant (1781) was the originator of *Transcendental Idealism*, the doctrine that human experience of things is similar to the way they appear to us—implying a fundamentally

subject-based component, rather than being an activity that directly (and therefore without any obvious causal link) comprehends the things as they are in and of themselves. *Object Relations Theory* within psychoanalytic psychology evolved from the work of Klein (1946) and describes how experience affects unconscious predictions of others' social behaviours, with repeated experiences of the caretaking environment forming internalised images. This theory predicates that we relate to the internal representation of others we create within our psyche rather than to the external object, so that failure to reality-test regularly is likely to result in a wide degree of distortion. Jung (1916) took the principle a step further in his concept of *psychological projection*, a defence mechanism in which the person unconsciously rejects his or her own unacceptable attributes by ascribing them to objects or persons in the outside world. These theories can be seen as different ways of analyzing the same phenomenon, but all of them agree that responsibility for a failure to form a balanced assessment of the object of one's enquiries rests with the assessor and is likely to result from his/her unresolved issues. It would follow, therefore, that a particularly negative focus on social exclusion indicators and social difference to the exclusion of other contextual factors within an assessment is very possibly evidence that the assessor is not adequately equipped to form a view of that subject which is grounded in fact and is anti-discriminatory.

Conclusion

It would appear from the case considered above that social workers, at least social workers involved in the legal process, may be subject to conflicting pressures. On the one hand, they have been trained and are commissioned to exemplify non-oppressive and non-discriminatory practice, but on the other they may be required to provide a report to convince a court that it is in the children's best interests to be removed from their parents. In the absence of hard evidence of abuse, this can result in a magnification of any social exclusion indicators in the family history (such as experience of the care system, periods of unemployment, criminal convictions, mental health problems, alcohol/substance abuse, cultural differences and disability) in order to portray the parents through a lens sufficiently prejudicial to alienate the sympathies of any reader. Whilst local authority legal departments may feel the end justifies the means, yet the resulting evaluation may contain scant intimation of social justice, equality and fairness and is often experienced by the parents as a vindictive and unwarranted attack. In part the consequence of our adversarial court system, this aspect of the family court process is particularly unfortunate in that power to decide the future of the defendants' children is, if the application is successful, awarded to the very body that has demonised them to obtain it.

Opportunities for agreement between the parties might be facilitated, so minimising trauma to young people entering the care system, were it only possible for the future of children subject to care proceedings to be

recommended and overseen by a team independent of those whose task it is to voice the local authority's concerns to the court. Complex and expensive as any such overhaul would be, surely steps needs must be taken to avoid the embarrassment to the state, instanced by the case discussed above, of explaining away the occasional parent who has been labelled unfit in the family courts yet may be known to his community as a solid citizen raising a stable and functional family.

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