

Last orders.....from the bar!

Picture the scene if you will, it is 1985 and a fresh-faced young social work student is all dressed up in a second-hand suit and brown kipper tie, (provided courtesy of the probation office administrator), walks into Plymouth Youth Court on Day 1 of his first social work student placement. How exciting?

Now picture the same young social work student half an hour earlier vomiting in the court car park, as a result of his increasing fear and anxiety about how his stammer would hold up during his first court appearance!

Well folks that was the beginning of my inglorious social work career 'advising, assisting and befriending'¹and later assessing, all manner of children and adults who have had the misfortune to find themselves at the mercy of our judicial system.

Whether as part of criminal, private or public law cases, my role has always been to advise the court, (youth, magistrates, criminal, family, county, crown, high court), how, within the confines of the law, how to ensure that the best interests of some of society's most vulnerable people might be safeguarded.

Along the way, I have had the good fortune to meet some of the funniest, hardworking, dedicated, intelligent, reliable, compassionate, and kind people around, working tirelessly to try and protect and support families who were going through trauma and tragedy, which at times seemed indescribably harrowing and tragic. I have seen many a magistrate and judge cut through the complexities of family life and bureaucratic systems to ensure that the needs of vulnerable children and adults are not forgotten or overshadowed by their abuser.

I have witnessed the variety of local court protocols from Devon to Dundee and from Scarborough to San-Francisco, taking in Ireland along the way. I have seen the best and the worst of what professionals working within the judicial system can do, should do, and are sometimes prevented from doing.

I have witnessed during court cases, social work and legal colleagues being threatened, assaulted and one even having her car being burnt out by an irate parent. I have witnessed parents troll judges, refer to their partners and even threaten their children during court proceedings.

I have seen at close quarters how the everyday pressures of working within a crumbling judicial system has often resulted in justice and fairness become an unobtainable cruel illusion.

I have seen how the impact of years of government cuts on the judicial system and legal aid has left Britain with a judicial and welfare system which by any international civilized standard is far from being fit for purpose.

¹ Probation Service Moto.

In respect of public law, again because of 60% cuts to local authority funding over the last 20 years, I have also witnessed the decimation of local authority legal teams, leaving most local authorities woefully ill-prepared to take on the complex task of protecting the most vulnerable.

Within the context of family law proceedings, I have seen many of my colleagues get verbally assaulted and ridiculed by increasingly aggressive advocates. I have heard otherwise decent barristers, make no secret of the fact that in their view any professional is 'fair game' once they get into the 'bear pit' of the witness box and their sole object is to break them down and rubbish their opinion. I have lost count of the number of good social workers who have left the profession or now steer well clear of court work because of their traumatic experiences in court.

I have also seen over the years a general deterioration in common professional court courtesy. In many courts nowadays as a social worker, your presence is often barely acknowledged, let alone valued by some of the senior legal reps and the judges. As an independent social worker your work is constantly devalued, criticised, rubbished and ignored if you challenge or do not accept the care plan or assessment findings of the local authority. How different to my first court experiences when the local clerk of the magistrate's court would welcome me, wish me good morning and introduce me to the magistrates as being a 'professional friend of the court'.

On the bright side there have been lighter moments, like the time in court when a family judge fell asleep during the afternoon session and had to be woken up by a court usher. Or the time in court when a young very hyper-active child refused a judges repeated requests to get off her judge's chair in court. Or the time whilst giving evidence in court, not once, but twice, I accidentally turned on my old mobile phone which had been safely placed in my suit pocket as it bumped against the side of the witness box. Or the time in court when of the larger judges who had gotten down on the floor in his chambers to play with a child after an adoption celebration hearing couldn't stand up again and when I had to decline his request for a helping hand, (for the sake of my own health!), he had to roll over onto all fours to climb up against his desk. Or the time in a rural court where I could not physically fit in the old circular seats and so had to sit semi-suspended throughout the entire hearing. Or the time when as a young social worker, myself and my manager could not contain our laughs at the back of the court when a senior judge tore into our assistant director for using language in their statement which not even the judge could understand. Or the time when part of my role was to sit in court and observe judges which had a habit overstepping their role and see them on their best most courteous behaviour. Ah the fun we had!

But perhaps my clearest memory of just how removed some of the senior judiciary are from the world of social workers and the families we work with was at a hearing in the Royal Courts of Justice (High Court) London a few years ago. The hearing was a pre-trial (10 days) directions hearing where the judge was agreeing the expected costs of the trial. During these discussions the judge agreed that in addition to parties' legal teams costs for preparation and being present in court for the duration of the trial (some earning more than £200 per hour each), one of the legal

teams could also claim against the public purse (Legal Aid) a sum of £96 per hour to have an assistant available back at the office throughout the trial should any of the legal team in court need to telephone them for information. The same Legal Aid which sets a ceiling of £30-33 per hour for independent social workers who do the work with families. That's £6720 for an assistant (probably on £15 per hour) to answer the phone, if necessary.

That was not all... at the completion of the hearing I was excused from the court and advised not to hang around outside the court room as is usual practice for the legal debrief, because the presiding judge had invited the two opposing counsels back to his chambers for tea. It later transpired that the judge and the two leading counsels all started their legal careers working at the same Chambers. Whilst there is no harm in old friends catching up for coffee.... sometimes the way these things are done demonstrate a complete lack of self-awareness or courtesy to the rest of us.

As you can imagine I was feeling somewhat dejected after that hearing and so began pondering the meaning of justice as I walked out of the Royal Courts of Justice. As fortune would have it, just at the point of walking down the steps by the front door I encountered an American couple, who asked if I was a lawyer, to which I responded: 'No' and went onto say 'but if you are interested in British justice, I would do yourself a favour, turn around, go to the pub over there, have a few drinks and ask the bar tender close his eyes and spin the bottle.' To which my new-found American friends laughed and said: 'Just like America then!'

And so, after 36 years of working within our judicial system, where I have worked directly on over 200 court cases and have been responsible for many 100's more.... I have decided that I no longer have the energy to counter the pressures of undertaking any more independent court work.

Why now you might ask? The reasons are numerous.

Is it that my actual hourly rate of pay in 2021 is 50% of what it was in 2000 even though inflation has risen by 56% during that period, so in effect I am earning – 6 % of what I did in 2000? Looked at another way for every £100 I earn I must pay the state £106, plus as if to add insult to injury I then have to pay tax on the £100...you really couldn't make it up.

Is it that in addition to letters of instruction outlining the need for a comprehensive assessment, you will often get a further 10-15 questions from the instructing parties which often appear to suggest that as a professional with 30 + years of experience you do not know what you are doing?

Is it that you rarely get provided with the whole bundle of papers or get access to local authority files before you begin your work? Is it that many firms of solicitors agree my terms of engagement and then go on to try and ignore them or haggle over peanuts?

Is it that I am having to increasingly threaten court action to receive payment from some law firms and local authorities which are routinely 6 months late in settling my accounts? Is it that court dates will often be set without consulting you, so that you

are forever changing your diaries to accommodate others? Is it the frustration of working within a judicial system which has long since stopped serving most children and families in need? Is it the increasing aggression and false compliance demonstrated by an increasing number of parties when they do not agree with my recommendations? Is the weariness of having to increasingly fulfil the role of a challenging Guardian who blithely goes along the line of least resistance with the local authority? Is it the unofficial cross examination by emails sent between competing parties before my work is even presented / discussed / cross examined in court? Or is it just the overwhelming feeling of being undervalued and disrespected?

I don't know precisely, all I do know is that none of the aforementioned factors do anything to encourage me to get involved in some of the most complex care cases which find their way into our judicial system, cases which above all else, require the involvement of an experienced, well qualified, calm and able professional social worker.

And so 36 years later, with a more tasteful tie, I find myself in a peculiar position of having a professional lifetime of court experience, more post professional qualifications that you could shake a stick at and a greater passion for promoting the best interests of children and families than ever before....but a complete lack of energy as an independent social worker to take on any more court work where I almost invariably find myself being part of an increasingly adversarial, mechanistic and harsh judicial process.

On the plus side, with another good 10 years left in the tank, I am excited about the idea of becoming a McKenzie's Friend!

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