

according to Child Care Officer 2, very critical of the care provided at Barlavington. She was incensed by the extreme difference between the way Proprietors 1 and 2 treated the girl who was returned to her and the way they treated their own daughter. She said that the children at Barlavington did not have anything to call their own, that they had no personal space, and no ownership of their own clothes, which became communal property.

11. INTERVIEWS WITH PEOPLE EMPLOYED AT BARLAVINGTON MANOR

11.1 Ten people who worked at Barlavington, including Proprietor 3, have been interviewed or spoken to by telephone. Most of them still live in the vicinity, as do Proprietor 3, his brother and most of the former residents whom I have interviewed. Many of these people either know one another or come across or hear about some of the others from time to time. Many of them, therefore, were talking to me about matters which they felt could still have some repercussions for them in their daily life. No doubt many of them also felt some degree of guilt, whether justified or not, about their own willing or unwilling involvement in the way children were cared for at Barlavington. Most of them expressed a wish to set the record straight in one way or another. In nearly all cases, however, I felt that they were being more candid in some areas than in others. In this report I refer to them as BM 1, 2 etc.

11.2 BM1 was contacted by telephone. He described himself as having been houseparent at The Lodge from 1966 to 1972. Others have described him as the handyman, and as taking some of the children on holiday to caravans in Dorset. He said Barlavington was a well-run home. He admitted that Proprietor 1 ran "a tight ship" but felt this was necessary when managing a large group of children from problematic backgrounds. After leaving Barlavington, he worked at a school for children with special needs. According to one source, he was suspended from his job there following allegations of sexual abuse, and reinstated after an investigation.

11.3 BM2 came to Barlavington as an 'Aunty' in 1966, when she was 17, and stayed for two or three years. She also worked at The Lodge from July to November 1971.

11.4 BM3 came to Barlavington in the summer of 1967 and left at the end of 1974.

11.5 BM4 had two periods of employment as an 'Aunty' at Barlavington, the first starting in 1970, the second when Proprietor 3 had taken over.

11.6 BM5 was employed as cook from the end of 1970 until about 1973.

11.7 BM6 said that she worked at Barlavington as an 'Aunty' for about six years with Proprietors 1 and 2, staying for about another year after Proprietor 3 took over. She is accused by a number of former residents of hitting them, making them get up in the middle of the night to scrub floors, and other ill treatment.

11.8 BM7 started working at Barlavington in about 1975, primarily as handyman, although taking children to the Isle of Wight on holiday was from the beginning part of his duties. He was away for a year in 1978-79, sailing round the world. He stayed at Barlavington until it was sold in 1985.

11.9 BM8 worked at Barlavington as 'Senior Aunty' for about six months in 1975.

11.10 BM9 worked at The Lodge for about 2½ years after BM6 left.

The food

11.11 There was a general agreement that the food was of very poor quality. BM1 said Barlavington was a well run home except for the poor quality of the food. BM2 said there was no fresh milk, only powdered milk, and hardly any fruit. There was a box of oranges once a week, which were cut into quarters. They came from the Cash and Carry. Tea might be a huge pile of sandwiches made with sandwich spread or marmite, and sometimes a bit of salad. The younger children were put to bed after tea; the older children got a bit of supper, perhaps a drink or a biscuit. On one occasion she was surprised but pleased to find a sirloin joint for the children. Proprietor 2, however, said it was the family's joint and insisted on taking it although it was already roasting in the oven. The children had breast of lamb on the bone, which they used to enjoy, although it was a cheap cut.

11.12 BM3 was more supportive than most of the regime at Barlavington. She said the food was not that bad. It was stodgy, with a lot of stews and hotpots, but they did get fruit, vegetables, cheese and bread. The milk was powdered and was mixed in the morning for cornflakes. The Aunties ate what the children ate.

11.13 BM4 said the food at The Lodge was OK because BM1 was a big eater and demanded reasonable food. He thought he was a friend of

Proprietor 1, but Proprietor 1 just used him. She could not remember what the food was like in the main house, though she said that BM5 was a good cook.

11.14 BM5 herself, however, was very critical of the raw materials provided. She said she once got into dreadful trouble for using butter and not Echo margarine on the bread for the children's tea. The food was skimped. There might be one sausage between three children. One pound of mince for 15 people would be bulked out with porridge oats and tinned vegetables. The Proprietors would have a huge turkey for Christmas and there would be a small chicken for all the children. Proprietor 2 used to cook the family's joint in the Aga in the main kitchen.

11.15 BM6 described the food as atrocious. She said milk was often powdered or skimmed; there was no fresh fruit or nice salads; loads of potatoes with a pound of meat to go round everyone made a shepherd's pie. The children never got 'real' chicken. At Christmas they got a slice or two of turkey and the rest went through to the Proprietors. The Proprietors ate well.

11.16 BM7, who worked as handyman etc., claimed to know little about many aspects of life at Barlavington. He said he sometimes thought the proprietors were stingy over food, but there was always plenty of it. Later in the interview he described it as not bad for institutional food (but acknowledged that he had no other experience of institutional food), but a bit stingy sometimes. There were times when he thought an extra chicken would have gone down well. He said the cook prepared the evening meal in the morning. She used to make puddings for it. The main course would typically be fish fingers or beans. He was sure there was fresh milk for the breakfast cereal. He confirmed that on one occasion when the children were helping with haymaking on a very hot day there was no squash for them to drink, so he took Proprietor 2's squash, and got a bollocking from her.

11.17 BM8 said the food was terrible, although the cook did her best with what she was given. Beefburgers, for Sunday lunch, would be the cheapest available, and baked beans, tinned spaghetti and so on were of the cheapest quality. The Proprietors expected the children to be made to eat up everything they were given. She enforced this at first but later decided not to as the food was so horrible. On Fridays there were "bakers' cakes" but these

too were horrible. The children had plastic bowls and cups, no china. There was powdered milk in big tubs.

11.18 BM9, contacted by telephone, admitted that the food was atrocious. She said that Proprietor 2 bought food that was past its sell-by-date and collected left-over vegetables from the market. BM9 said she herself grew vegetables to compensate for this. (She also said that she never noticed anything untoward during her time at Barlavington, so saw no point in meeting me.)

11.19 Proprietor 3 said he never felt that the food was actually bad, but it could have been better, and he did something to improve it when he took over. He said the allegations were exaggerated. There were good cooks and there were bad cooks. The cooks did not buy the food; he and his mother bought it. He agreed that the family's food was different from that given to the children. Mealtimes were the only time that family members had together.

Clothing

11.20 BM2 said that Proprietor 2 played the lady bountiful and got charity gifts, including clothes. Most of the children's clothes were from charities. There was a big cupboard full of clothes and she did not think any of the children had their own. Sometimes children would come back from school with messages from teachers pointing out that they needed new shoes, a towel etc. The Aunties felt embarrassed and humiliated by this.

11.21 BM3 said that Kensington and Chelsea provided an initial clothing allowance and another one on change of school. Apart from this, clothes were second hand. Some local people donated expensive good quality second-hand clothes. Clothes were not handed down within Barlavington because they wore out first. Shoes were both new and second-hand. She said the children were not badly cared for; if they had been, she would not have stayed at Barlavington. When Proprietor 2 went to jumble sales it was to buy clothes for herself, not for the children.

11.22 BM4 remembered a huge area in the cellars full of FUS jeans, bomber jackets and shoes. She clothed herself and her daughter from this store.

11.23 BM5, the cook, said, in contrast to BM3, that Proprietor 2 bought the children's clothes at jumble sales.

11.24 BM6 said that the children's clothes were what Proprietor 2 bought for them and what came in free. She said a great deal of clothing came from sources tapped by the Proprietors. People turned up – she would answer the door to them – with free clothes for “the orphanage”. There were whole boxes of jeans which were seconds, given free, and pretty awful. BM6 said these were sold off to the children.

11.25 BM7 (handyman) said clothes were good. There were brand new jeans from FUS. As to whether they were seconds, he never saw anything wrong with them. He remembered boxes and boxes of shoes but had no idea of where they came from.

11.26 BM8 said that clothing was second hand and handed down, and much patched and mended. Apart from [a girl not placed by RBKC], who was one of Proprietor 2's favourites, she never saw any child with new clothes. There did not seem to be any good clothes for special occasions, although children would be expected to smarten up if their social worker was visiting. She showed me many photographs of the children, and many of them seemed to be wearing the same shabby clothes in every picture. She said towels were very old and very thin. She never saw new shoes for any of the children. If a child said their shoes were too small, one of the Aunties would take them to a room where old shoes were kept and find a larger pair for them to wear. It was the same with Wellingtons. She could believe that there were some children whose feet were damaged by wearing shoes too small for them, as it was left to the children to say if their shoes were too small. Just once, a social worker who had received receipts for the purchase of sports kit for the children asked the Aunties if they had seen any of these new clothes. None of them had.

11.27 Proprietor 3 said that clothing improved as time went on, and his mother may have had a bee in her bonnet about clothes. He remembered that there was a stock of shoes kept in the house, and remembered getting rid of them, but did not know where they came from. He confirmed the existence of the store of FUS jeans. They had been offered to him by a friend who was connected with the firm. He had gone to collect them expecting one or two boxes, and found that there were fifty boxes. They were seconds and returned

items, but many of them had nothing wrong with them, and he wore them himself. There were no complaints about them at the time.

Recruitment of staff

11.28 BM2 answered an advert in a local paper for a job at another children's home in Emsworth, which was run by friends of Proprietors 1 and 2. They suggested she might get a job at Barlavington. She was 17 at the time. It was not her first job but it was her first experience of living away from home. She says she was promised training as a nursery nurse, but it never happened. (The Social Services Inspectorate have informed me, from their records, that in 1966 the proprietor sought to register Barlavington as a nursery, and that a visit was made in July of that year to discuss its registration for the training of nursery nurses. It was, however, clarified that Barlavington would not qualify for this.)

11.29 BM3 had been a student nurse at a London psychiatric hospital. She was put in touch with Barlavington Manor by the National Council for the Unmarried Mother and her Child (now the National Council for One Parent Families). She had not previously worked with children.

11.30 BM4 was expecting a child and needed somewhere to live with her baby. She put an advert in The Lady and received a response from Barlavington.

11.31 BM5, employed as cook, lived about 100 yards away and was recruited informally.

11.32 BM6 answered an advertisement placed by Barlavington Manor while she was working as a nanny in Buckinghamshire. She had herself been brought up in a children's home, and according to BM8 and to some of the former residents, had been in the army. She had worked as a nanny in various parts of the country.

11.33 BM7 had known the Proprietors socially for a few years. He was offered work as a handyman, plus taking children away on holiday, by Proprietor 1 over a drink in a pub.

11.34 BM8 answered an advert in The Lady for a residential post working with mentally ill adults in an establishment near Barlavington, and attended an interview there at which it was mutually agreed that the job was not for her. The proprietors mentioned her to Proprietors 1 and 2, and she received a telegram from them stating that they would like her to work for them and inviting her to an interview. She was 22 at the time. She was appointed Senior Aunty. BM8 also said that none of the Aunties working there at the time had any previous residential child care experience.

11.35 BM4 also commented that, when Proprietors 1 and 2 were in charge, all the staff had "come there for a reason, and had their own problems". All the Aunties there when she first arrived had children of their own and needed somewhere to be. She mentioned a woman who worked there who had with her a child whom she was later accused of kidnapping, and another who after leaving Barlavington had a drug-induced psychotic breakdown. She said the only "sane" people were those who lived locally and came in to do cooking and cleaning jobs. BM2 said that one girl was taken on as an Aunty because her parents could not control her, and that there was one trained staff member, but she said did not stay long. (This person had been working in the residential nursery where child 2 was placed, and appears to have come to Barlavington at least partly because of her attachment to him. She subsequently pursued a career in residential child care and became a head of home. I regret not having been able to interview her.) BM6 said that some staff stayed only a day or a week. If you lasted a month you probably stayed on. Staff left because they couldn't cope with the conditions and the children. BM8 said that while she was at Barlavington a girl who had been in care there came to work there with her little boy. She seemed very slow, possibly had learning difficulties, and the little boy was also very slow. She seemed to have little idea how to look after him, and would, for example, feed him from a bottle which had been lying on the floor, without sterilising or cleaning it in any way. BM6 commented that when staff were engaged, references were not sought, and the Proprietors did not ask to see driving licences before letting staff drive children around.

Working conditions

11.36 From information given in these interviews, it appears that there were usually from four to six Aunties employed at any one time, three or four in the main house and one (two according to BM3 and BM6) in The Lodge. There was also a handyman (BM1 and BM7, and a young man who was there briefly in between those two). There was a cook, who also did some cooking for the family. In the early years, according to BM2, various people came to do various activities with the children, but this did not continue. BM3 similarly mentioned a lady who came in and played with the children. One of the case files shows that RBKC at one stage reimbursed Barlavington for fees paid for an input of this kind.

11.37 Aunties who actually worked at The Lodge (including former resident 13) claim to have been in sole charge of the children there. (It seems clear that BM1 would have claimed to have been in charge of The Lodge in his day, but BM4 clearly saw him as a difficult lodger whose needs had to be met along with those of the children.) The number of children to be looked after at The Lodge is reported as 12 (BM2, BM4 and former resident 13) or 8 (BM9). The position in the main house seems to have been more fluid, with three or four staff sharing responsibility. It seems clear that there was no kind of 'key-worker' system, i.e. no arrangement for specified staff members to have responsibilities towards specified children. The task of caring for the children does not seem to have been viewed as needing to be individualised in this way. BM2, describing her time at The Lodge, in 1971, said the 'reject' children were put there. She was completely alone with 12 children and couldn't cope. She would spend the whole day cleaning and washing. In theory she had help from a woman with learning difficulties, who was not in fact able to be of help. She said that Barlavington in 1971 had deteriorated from when she knew it from 1966 to 1969.

11.38 Other Aunties also commented on the daily round of chores. BM3 said her work consisted mainly of cleaning, washing, ironing and getting the children's meals, while BM8 said most of the work was cleaning, doing laundry and endlessly patching and mending clothes.

11.39 The experiment with appointing a Senior Auntie did not, apparently, last long. BM8 was given this title on appointment but after six months was sacked and offered re-engagement as an Auntie, at a lower rate of

pay, which she declined. She said there was no animosity from Proprietors 1 and 2 about this, and they gave her a reference.

11.40 Pay obviously rose with the passing of years. BM2 said that in 1966 she was paid £4 per week on top of free board and lodging. BM3 started in 1967 at £5 per week. By 1975 the rate was £15 per week for an Aunty and £18 for the Senior Aunty, still, of course, in addition to free board and lodging.

11.41 All the Aunties who mentioned it agreed that they had one day off a week, which would be a weekday. As to hours of work, BM2 said she worked from 7am until 'whenever' and sometimes through the night. BM3 said she used to finish work about 7.30pm but was sometimes asked to "babysit" the children for the rest of the evening if the Proprietors were going out. BM8 said it was basically a 24 hour job. In principle you worked from 7.30am to 7.30pm and there was supposed to be some time off in the afternoon, but often there was too much work to be done to take this time off.

Control, punishment, physical abuse and humiliation

11.42 BM2 said that the boys were sometimes hit, but no worse than was then usual. She never saw Proprietor 1 or 2 hit a child. Proprietor 2 used to lose her temper. She said that BM1 used to knock the older boys about. She remembered finding a girl, whose name she gave, crying in a shed because BM1 had put a sign around her neck which said "I have wet my knickers; I smell; don't come near me".

11.43 BM3 said the staff and the Proprietors disciplined the children. Also the older ones disciplined the little ones. They might be sent to bed. If caught at night they would be made to stand in the corridor or in the big walk-in airing cupboard. There was no physical discipline. Proprietor 1 only had to say it and they did it. She never saw Proprietor 1 or Proprietor 2 hit a child. She said that an Aunty was sacked for hitting child 4.

11.44 BM4 said that under Proprietors 1 and 2 there was a strict, very institutional regime. It was better in The Lodge because you were away from the Proprietors. Proprietor 1 was a horrendous snob. He ran the place like a ship. Proprietor 2 had a sadistic streak. She remembered taking children for a walk one day, and one of the boys bared his bottom at an elderly woman.

BM4 thought this was funny and talked about it in the kitchen. Proprietor 2 "did a loony" and gave the boy a good hiding. Proprietors 1 and 2 were too strict and the staff were the wrong people. If Proprietor 2 gave someone a hiding she went into it with relish and it was quite frightening. Proprietor 1 showed mental cruelty. He talked down to the children and took away their self-esteem. It was horrible.

11.45 She also said that Proprietor 3 was very nice and she could see no grounds for complaint against him. He was never nasty to the children and did his best. You were frightened of Proprietors 1 and 2 but when Proprietor 3 ranted and raved you just laughed. He never laid a hand on the children. As a punishment, he would probably ground them or send them to bed early.

11.46 BM4 said that, during her first period at Barlavington, which began in 1970, BM1 lived at The Lodge and worked as the handyman. He was regimented and stupidly strict, and did not allow talking at mealtimes.

11.47 BM5 described one incident which she said she witnessed throughout. She said she saw Proprietor 1 put the end of a broom handle to the mouth of a girl (not in the care of RBKC) who was about three years old, because she wouldn't eat her food. Proprietor 1 threatened the little girl that if she wouldn't swallow the food in her mouth (which was disgusting) he would push it down her throat. The little girl was sat on the toilet while Proprietor 1 was threatening her. Later, he tied her to her cot. She cried and then went to sleep. When she woke up she still had the food in her mouth.

11.48 She said the Aunties would physically discipline the children or would shut them away in the big walk-in airing cupboard. She said Proprietor 2 did not have a lot to do with the care of the children. She was out a lot. The children were sent to her if they were naughty. (As cook, BM5 worked from 9am to 2pm Monday to Friday.)

11.49 BM6 said the children were a tough lot. You had to be tough to stay on top and keep control. There was some physical abuse, but nowhere near the degree alleged. (She is herself the subject of allegations of physical abuse.) She was aware that some former residents had accused Proprietor 1 of knocking them about. This she did not believe. He could be verbally strong but he didn't knock them about. Proprietor 2 sometimes lost control and would beat them, though only with her bare hands. (The Assistant Social

Worker said Proprietor 2 told her she sometimes hit the children with a wooden spoon, and BM6 is herself accused of hitting children on the backs of their hands and across their thumbs with a wooden spoon.) She said Proprietor 2 was not for slapping children. All the staff would sometimes get driven to the end of their tether. Also, children would get a clip around the ear for being "mouthy". That, she did not consider to be physical abuse. It was just something you do sometimes and not the same as Proprietor 2 knocking them about. She did not recall hitting a child herself. But you had to be tough and verbally dominant.

11.50 She said there was not much praise of the children and not much criticism, though Proprietor 1 would verbally put them down.

11.51 She described Proprietor 3 as much softer than his parents. He hadn't been with the children when they were growing up, and when they were older he found it much tougher. His wife was not supportive. He made no drastic changes. Nothing under his direction really took off because not enough effort went into it.

11.52 She said working in The Lodge was totally different. You were on your own there and it was a much softer job. There were only about 6 or 7 children there and not the most difficult ones. The only contact with the main house was to get supplies.

11.53 BM7 (handyman etc.) said Proprietor 2 had a short fuse and was inclined to go off the deep end verbally, but physically there was nothing major – a shaking, perhaps. He said he used to be the nice guy for the kids. The Proprietors were not over heavy, but with 25 kids you had to have discipline and rules. Punishment, as far as he remembered, would be by gating, e.g. not going to youth club or swimming. He was never aware of any corporal punishment. The kids called Proprietor 1 'Hefty' although he was not a big man. They respected him and he got on with them very well. Proprietor 2 was marvellous with the kids when she was on form.

11.54 He did not recall seeing BM6 hit children, but he heard from the children that she had done so, and he remembers Proprietor 1 telling him that he had had to have words with her.

11.55 BM8 said she did not remember seeing Proprietors 1 and 2 hit a child, but was sure that hitting went on. She had some recollection of seeing Proprietor 1 walking round with some kind of bat, perhaps a jokari bat, and a vague memory that BM6 may also have sometimes have gone around with some kind of stick. BM8 said she got on well with BM6, but other Aunties did not like her and were somewhat afraid of her. BM6 was somewhat hard of hearing and would ask them to repeat what they had said in a manner which they may have found threatening. BM6 told her that she had been in the army and had been brought up in a children's home where life had been very hard. She was older than the other Aunties and did not join them on social outings. She agreed that it was important to BM6 to keep the children under strict control. She remembered seeing them at mealtimes under BM6's care, sitting almost to attention. She never saw BM6 hit a child but can believe that she may have done so, perhaps repeating her own childhood experience. She also had positive attributes, such as initiating outings for the children.

11.56 BM8 said that Proprietor 2 seemed to hate child 8 for his well-spoken accent. He was very intelligent and very open. She said the cook (not BM5 but her successor) had told her that child 8 cried for the first three months that he was at Barlavington, and that, to discourage this, he would be stood at the top of the stairs and left there crying. There were stories of him being hit with a hair brush.

11.57 She said that Proprietor 1 presented as an amicable, reasonable, sociable man, but sometimes he would storm through into the children's part of the house, yelling and screaming. The staff would assume that Proprietors 1 and 2 had been arguing and he had had the worst of it. Once when a girl was having a teenage tantrum he bellowed at BM8 to "shut that child up". She replied "What do you want me to do, hit her?" and he gulped and said no more. Proprietor 2 was very controlling. She liked to pose as a gracious lady bountiful and to make her husband be the hard man and deal with anything unpleasant, (like sacking BM8).

11.58 She did not remember children being told that their parents were worthless, or that they should be grateful to be at Barlavington, but she said that children 1, 2, 13 and another boy were humiliated by being told they would never make anything of their lives.

11.59 BM9 said in a telephone conversation that she had heard about the abuse but never actually witnessed any of it. She had heard that children went to school with bruised swollen knuckles, had their faces pushed into bowls of porridge etc. She said her time at Barlavington had been a happy one and she had no problem with discipline. She said she only had to threaten to pick up the phone to the Proprietors if there was a problem. When asked what would happen then, she replied, after a pause, that she had never actually had to do it. She also said that if a child complained to his/her social worker, the social worker would then tell the Proprietors and the child would be beaten for telling lies. She also said she never noticed anything untoward at Barlavington.

11.60 Proprietor 3 said that there was some physical punishment – it was not uncommon at that time. Some of the staffs' punishment was misplaced. In particular he did not think BM6 was suitable for the job, and he sacked her. His parents may have overstepped the mark very occasionally, but descriptions of what they had done would always be exaggerated. Any physical punishment would be impulsive rather than considered. He could not think of any incidents, but observed that his mother enraged was quite a power to deal with.

11.61 On the subject of former resident 4's allegation that he assaulted her, Proprietor 3 agreed that he had done so. He said that child 4 had been both rude and cruel to his wife, and he had lost his temper.

Sexual Abuse

11.62 BM2 said that she was told, when she returned to Barlavington in 1971, by BM4 that a girl (not in the care of RBKC) whom she named, who would have been about 8 to 10 years old, had been raped by an older boy at Barlavington (not in the care of RBKC) whose first name she gave. BM2 was told that this had been hushed up because the boy was going into the Royal Navy. She said that BM3 also knew about this. BM3, however, had previously told me that she was not aware of sex between the children or between the children and adults. BM2 also said that sex and the facts of life were never talked about.

11.63 BM4 said that the culture among the Aunties was all very "earthy". There was nothing else to occupy your mind. She remembered

seeing an older boy sitting with a younger girl on his lap, jigging her up and down and being very attentive to her. The boy was about 15. Looking back on it now, he could have gone into the girls' bedroom at night and none of the staff would have known anything about it. She said that when she returned, when Proprietor 3 was in charge, all the girls were on the pill; everything was more up front; and the girls were not shy about talking about sexual matters. As far as she knew, the girls did not have sex with boys who were living there. Maybe the boys tried it on, but the girls were streetwise. They did not get pregnant.

11.64 BM6 thought that sexual activity between children was no more than you would expect for the age group. If it was serious, it was jumped on. She did not remember any kind of sex education. Staff might try to help a girl whose periods had started, but mostly the girls handled it themselves or talked to older girls. Sanitary towels etc. were dealt with by Proprietor 2.

11.65 BM7 (handyman etc.) said he remembered that a particular boy and girl were caught having sexual intercourse by a man who was running The Lodge for about a year, a New Zealander. He was sure that there was more sexual activity among the children.

11.66 I told BM7 of an allegation that the children had watched a pornographic video while on holiday in the Isle of Wight. He said that a man who worked at Robin Hill amusement park, maybe as a keeper of reptiles there, invited him and the children back there for a drink one evening. This man then started showing a pornographic video. BM7 says that he indicated that that was not appropriate and left with the children.

11.67 BM8 was asked about the allegations of indecent assault made by former residents against the husband of a staff member. She said she had not heard of them, but could believe that this may have happened, as the man concerned could be very sexual around female staff, though not in an abusive way. She had no knowledge of any sexual activity among the children, but given that they were often unsupervised, particularly after bedtime, she now thought it would be surprising if this was not occurring. She said there was certainly nobody for the children to talk to about sexuality. She knew nothing about the contraceptive pill being prescribed for any of the girls.

Beds, bed-wetting etc., baths

11.68 BM2 said the little children were put in their cots very early after tea and left till next morning. BM3 said children were not strapped into their beds, although the little children would be put in harnesses when in prams. On the whole the children were very good. They were disciplined - if one got out of bed, another would tell on them. BM5 says she saw the pre-school children tied in their beds, with reins, for their afternoon rest.

11.69 BM2 said that children who wet beds were supposed to be put in a cold bath, but she thought that none of the Aunties actually did this. If a child was ill, the rule was that they went to bed for 24 hours with no food.

11.70 BM3 said the children were not **really** told off for wetting the bed. They had to put their wet sheets into a bin in the bathroom and get into the bath.

11.71 BM6 said that there was enough hot water for baths, but girls (e.g. child 3 or child 4) would jump in together. BM8 said that older children were able to have a bath on their own, but the younger ones were bathed by the Aunties, with several children put in the bath together and the same water used for several batches of children. The water was warm but the room was cold and draughty.

Other comments on how children were treated

11.72 BM2 said that Proprietor 2 used to change all of the girls' names, and gave four examples, including children 1 and 3. She also said that she enjoyed her first period at Barlavington. It was her first experience of living away from home and she loved the children, and enjoyed taking them for walks. BM4 said that if a little girl arrived who had lovely long hair, Proprietor 2 would cut it off. BM5 said she was told by other children that children 9 and 10 had been sent a huge parcel of presents from Austria (where their maternal grandparents lived) and that these were given to other children as presents from Proprietors 1 and 2. BM6 remembered the Proprietors giving a few dinner parties, but does not recall a great deal of waiting at table by the children. A lot of the Proprietors' socialising was off the premises.

11.73 BM8 said the children were not taken away on holiday in the summer of 1975, but there were days out. Among her memories of good

times at Barlavington were many memories of the Aunties taking the children out for walks and longer excursions in the Land Rover and the van to the seaside and other places. The Aunties were not given money to spend on the children for these days out, and the children themselves had very little money. The cook would make up a picnic for them. The Aunties would sit on the beach with the picnic and the children would be free to roam. They would be aware that some of the children would probably engage in some petty shoplifting, but would not do anything about this as the children were so short of money.

11.74 She also said that child 16 was desperately unhappy when she was there. He was only about 5 years old when he came (actually 6) and he received no mothering. He was soiling his pants, and the Aunties would find them hidden around his bedroom. No-one did anything about this.

11.75 She also said that the children's hair was cut by Proprietors 1 and 2 and that she had a memory of Proprietor 2 cutting a chunk out of child 13's very long hair.

11.76 BM6 said that there was one boxing match, which Proprietor 1 arranged. It was done as a fun thing, in the playroom. It was done to try to sort out two boys, child 8 and another. Child 8 "went down before it started." BM7 said that the story that the boys were made to take part in boxing matches was total fiction.

11.77 BM6 did not remember the Proprietors showing any interest in the children's education or doing anything educational with them. BM8 said the Proprietors took no interest in the children's homework. It was the Aunties who realised the children must be being given homework and organised homework after teatime chores. This may, she said, have been when they were supposed to be off duty.

11.78 Proprietor 3 said that his parents put their heart and soul into running the children's home and gave it everything. They always tried to do their best for the children and fought for what they thought was right. He instanced Proprietor 2 fighting battles to get Child 8 into a private school. He thought that, looking back on it now, one could say that they were a little old fashioned, kept stricter discipline and expected a higher level of courtesy than would now be usual.

Chores and pocket money

11.79 BM3 said pocket money was given out on Saturdays. There was a list of jobs to be done including taking the Proprietors their morning tea. They were reasonable jobs. BM6 said that the children who worked with the horses liked looking after horses, but they were used. Proprietors' son paid them a pittance and worked them hard. The children got pocket money for doing chores. Again, in the pulling of ragwort, the children were used. They would share perhaps £15 or £20 for pulling a whole field. BM7 said chores were only on Saturday mornings. They all moaned about it, as children always do. Pulling ragwort and haymaking were things the children used to enjoy. They didn't have to do it. Children who worked with the horses were only those who wanted to. He believed there was a roster for taking the Proprietors their morning tea at about 7am. BM8 said that chores included setting the table, clearing away after meals, washing up and sweeping the yard, none of which was unreasonable. But there was also looking after the polo ponies, which should not have been part of the remit and was not, she thought, always voluntary. She remembered pocket money as being extremely modest. It was supposed to be regular but could, she thought, be stopped as a punishment.

11.80 Proprietor 3 said that his parents viewed pocket money as being given in return for jobs done around the house, and suggested that there were different legitimate points of view on this subject. He did not remember docking 89p from former resident 16's £1 pocket money, but suggested that the incident showed that child 16 had not seriously tried to perform his allotted chore, and implied that the withholding of 89p was therefore not unreasonable.

Proprietor 2's favourites

11.81 BM2 said that Proprietor 2's favourites included child 3, who was sent to a private school, but she went out of favour. (RBKC agreed that child 3 should go to a Roman Catholic School.) BM3 said that Proprietor 2 had her favourites among the children who would see more of her. Children 3, 8, 9 and 10 were among her favourites. She was affectionate to her favourites. BM6 was surprised that former resident 8 had been active in making complaints, since he had been a favourite. He had it better than many.

Other children like the X family (not placed by RBKC) who were a bit simple, were almost ignored. BM8 said Proprietor 2 would treat different children differently. Social class was very important to her. She named a girl who was a favourite and said that she liked horses, looked attractive and stylish (she showed me a photo) and that Proprietor 2 would give her clothes. She said child 13, on the other hand, was always treated harshly. She was scapegoated. Her clothes were always scruffy. Proprietor 2 never bought her a bra or anything, and child 13 had no money to spend on her personal care, on sanitary towels or her appearance. The only way she could have done anything to meet her needs as a teenage girl conscious of her appearance was to steal things. BM8 once lost a bra and found it among child 13's belongings. She did not say anything about this at the time. BM8 also said that child 2 was by turns scapegoated and favouritised.

Excess profits - comments that may have some bearing on this issue.

11.82 BM2 said she thought Proprietor 2 did not mean to be cruel, but she wanted to live in style, mixing with classy people and going on skiing holidays, and money paid for the care of the children was keeping her in that lifestyle.

11.83 BM4 said that all the Proprietors' friends were socially above them, and that their son owed money all over the place.

11.84 BM6 said that the children and their care authorities were robbed financially. Most of the fee income was skimmed off. You heard and noticed enough to be aware of this. She remembered answering the door to take in gifts of goodies and sweets for the children at Christmas time which went through to the Proprietors' side of the house and were not seen again. She said a lot of money went into the proprietors' son's polo. She said the children's side of the house was very basic and threadbare. Lino on the floors, no wardrobe, and personal space was only a bed and a locker.

11.85 BM7, asked whether Proprietors 1 and 2 made excess profits out of Barlavington, said this was not entirely true.

11.86 BM8 said the children's side of the house was very bare, with no carpets, some old lino/vinyl floor covering and lots of bare floorboards. There were no boundaries, so possessions became communal, with a lot of

stealing and borrowing. Overall there was considerable deprivation. By contrast, Proprietors 1 and 2 lived in style. They had an enormous amount of space in their part of the house, and it was well furnished. The cook prepared their food. It was good quality food and often there seemed to be almost as much food for the two of them as for all the children. They seemed to have loads of money. Their son brought back polo ponies from Argentina. The contrast between the Proprietors' lifestyle and the conditions in which the children lived was extremely stark.

11.87 BM6 said that Proprietors 1 and 2 had a cleaner who said that, before the first children were admitted, she would go for weeks or months without being paid. BM7 said that Proprietor 2 had family money through her grandmother. BM3 said that Proprietor 1's parents, who were both dead, had been better off than his wife's and that his father had both earned and spent a lot of money. She described Proprietor 2's family as middling, neither rich or poor.

11.88 Proprietor 3 said he would never describe the family's lifestyle as extravagant. He described his parents as being neither rich nor poor. There had been a certain amount of inherited money, but a large mortgage had been raised to buy Barlavington Manor. He confirmed former resident 1's statement that Proprietor 1 had owned, at various times, a BMW, a Porsche and a Jensen Interceptor. Proprietor 1 had been fanatical about cars and had, as Child Care Officer 1 believed, driven in the Monte Carlo Rally. The cars, however, had all been second hand. The Porsche was 12 years old, and the Jensen "150 years old". He also confirmed that the family had a property in France, a cottage in Brittany which, he said, they had bought sometime in the early 1980's for £2000. I put it to him that his brother's playing polo must have been a very expensive pastime. He said that his brother had always been a professional polo player, never an amateur, and had bought his polo ponies out of his earnings from the game. He concluded by saying that the picture presented of a family who were only in it for the money and always skimping and saving on expenditure on the children was quite false.

Social workers

11.89 BM4 said that when social workers came, the Proprietors were all charm. Sometimes after a meeting a social worker would pop into The Lodge to see her. She remembered one of them saying that Barlavington was better than a lot of other places. (BM4 herself said that after leaving Barlavington she worked in another children's home which was worse.) BM6 similarly said that the Proprietors were charming to social workers. If social workers came through to the children's side of the house one of the Proprietors came with them. Social workers didn't choose to wander through on their own and didn't try to talk to staff. She did not remember the Child Care Adviser when I asked about him. BM8, despite being "Senior Aunty", said she never saw or had access to children's files and never met their social workers. She said the cook was the main source of information about the children.

11.90 BM9 said social workers did not talk to the care staff, but dealt directly with the Proprietors. She described them as a dead loss and said that at times they failed to turn up for a prearranged appointment. Her comment about social workers telling the Proprietors when children complained to them has been reported earlier.

12. INTERVIEWS WITH OTHER PEOPLE

12.1 Mr A is head teacher at a local first school and has held this post since 1976. When he was appointed, Proprietor 1, who was then a school governor, invited him to The Manor and explained the purpose of the place. Mr A dealt primarily with Proprietor 1. He had no direct contact with any of the children's care authorities, except at reviews. All information came to him via Proprietor 1, with whom he dealt "as if he was dad".

12.2 Mrs B has been a teacher at the local middle school since 1974. Initially she taught physical education. She remembered 14 of the children placed at Barlavington by RBKC. She got the feeling that children at Barlavington were left to make their own way back there from school when not travelling at school bus times. It was the practice for teachers to take home any uncollected children, so she often took children back to Barlavington. She would have liked to be invited in, but never was. She may well have seen bruises on children but would not have taken any great notice of this. Children of that age were always getting bruises. None of them ever complained to her that they were hit. She did not recall ever seeing John or Proprietor 2 at a parent's evening.

12.3 Mrs C had child 16 as a lodger when he left Barlavington. She did not remember a great deal about his stay with her. She thinks he suggested that he was not unhappy at Barlavington and had nothing more than a few thrashings there. She heard that there was a lady from a nearby village who worked there who was handy with a good wallop.

12.4 Dr D was GP to the Proprietors and to the children placed at Barlavington. He also responded to requests for medical examinations of children which came from their care authorities via Proprietor 2. He dealt almost exclusively with Proprietor 2 and hardly ever had contact with anyone from a child's care authority. He had no welfare or inspectorial responsibilities towards the children's home. He believes that, if any of the children had had complaints to make, they would have found it very difficult to gain access to him. He did not remember the occasion described by former resident 7, who said that Dr D had criticised Proprietor 1 roundly for delaying sending for him. Nor did he appear to remember any other individual child or incident. He was asked about prescribing oral contraceptives for girls placed at Barlavington. He did not remember having prescribed them. He said that

in those days he would have been hesitant to prescribe oral contraception for a 16 year old and would have "had fifty fits" about putting a 15 year old on the pill. He said he rarely saw social workers, and had no recollection of attending reviews.

12.5 Dr E has retired from practice as a Consultant Child Psychiatrist. I had a brief telephone conversation with him. He saw a number of children who were placed at Barlavington Manor. He remembered admitting former resident 3 to an adult psychiatric bed. He felt that Proprietors 1 and 2 had dealt with her at different times in different ways and that she was treated at times as a kitchen maid, at times as a family member and at times as a pet. He never felt not welcome at Barlavington Manor, but he felt there was an edge to the relationship, and a nuisance value to a child who was being difficult. As a children's home, it was in a category of its own. It was a bit grand, and the context did not seem entirely right. There was not the spontaneity which he observed in some children's homes. His dealings were almost always with Proprietor 2; Proprietor 1 stayed in the background. He was never aware of any physical ill-treatment of the children, nor of their being verbally humiliated, but he felt that verbal humiliation fitted with the 'vibes' he picked up. In some children's homes he would have been invited into a child's bedroom or have seen it in the normal course of events, but he does not think he ever saw a child's bedroom at Barlavington Manor.

12.6 Mr F was the Chief Officer of the London Boroughs Children's Regional Planning Committee (LBCRPC). I spoke to him by telephone. He confirmed that in 1977 the LBCRPC set up, on behalf of London Boroughs, an inspection service covering private children's homes and independent boarding schools in the South East of England. These were resources used by London Borough Social Services Departments for children in their care, and the service was intended to fill the gap in legislation which left private children's homes without any statutory system of registration, inspection or other regulation. It was a voluntary service, funded by the Boroughs, who were concerned about the lack of regulation of these private homes. The service subsequently developed an advisory function. I told Mr F that I had seen notes of four meetings about Barlavington Manor, held at the establishment on 18/7/79, 31/10/79, 30/4/80 and 23/10/80 and attended by LBCRPC staff, representatives of user authorities (at the second, third and fourth meeting, only RBKC was represented) and by Proprietor 3. Mr F said that such meetings were not routine and suggested to him that there would

have been concerns about Barlavington Manor. (The notes of the first meeting suggest, from the subject matter, that any concern centred on the imminent departure to Rotherbridge Farm of Proprietors 1 and 2 and the transfer of responsibility to Proprietor 3.)

12.7 Mr G was an investigative journalist for the Sunday Mirror in the 1970s. He thought it would have been in 1976 that he investigated allegations about Barlavington Manor made by some young people who had been placed there in the past but had by then left. Children still living there were not interviewed. (It seems clear that Mr G did not have contact with any of the former residents placed by RBKC who are mentioned in this report.) He interviewed people who had worked at Barlavington. (None of those whom I have interviewed has mentioned Mr G's investigations, and there may be no overlap.)

12.8 His dominant impression, as he now recalls it, was that children were exploited, treated as servants and as a source for profit to enable the proprietors to maintain their lifestyle. He recalls that it was alleged to be a regular occurrence that children who swore were made to eat mustard or curry powder, and that there was an instance, confirmed by two or three people, when a child who vomited was made to eat the vomit. (Former resident 13 complained to me that Proprietor 2 once made her finish eating her meal after she had already vomited. I have received complaints of being made to swallow pepper or curry powder for swearing, and there is one such complaint by child 6 on his case file.) Another allegation Mr G recalls is that children had to take breakfast to Proprietor 3 and various of his girlfriends when Proprietor 3 and one or other of them were in bed, or on one occasion in the bath, together. Mr G observed that this allegation would have been prized as being of particular interest to the newspaper's readers. Mr G said the allegations were checked out, and the stories dovetailed.

12.9 At the conclusion of the investigation, Mr G and three colleagues called on (or 'doorstepped') the Proprietors without warning, and put the allegations to them at a meeting which lasted about two hours. The Proprietors denied the allegations, and Mr G was very disappointed that the newspaper did not print them. Mr G said that the confidence with which the Proprietors handled the investigative reporters and denied the allegations put them "up there with some of the most plausible villains he had met".

12.10 Mr G has not kept his notes of the investigation. He says it weighs on his conscience that, after the decision not to publish, the results of the investigation were not handed over to a local authority.

13. OTHER MATERIAL

13.1 A folder of papers received by West Sussex police from Proprietor 3 on 27/5/98 has been passed on to the enquiry. It contains the notes of the LBCRPC meetings referred to in paragraph 12.6 above. Other papers include copies of invoices and related correspondence, and local authority medical record cards for children in care. On the medical record card for a girl in the care of another authority, born in 1966, there is an entry dated 20 June 1976 which appears to be in Dr D's handwriting and reads "On the Pill".

13.2 The notes of the LBCRPC meetings suggest that their main focus was the transfer of responsibility from Proprietors 1 and 2 to Proprietor 3, and that the LBCRPC's aim was both to support Proprietor 3 in the challenge of assuming responsibility and to give guidance about good practice. The notes of the first meeting (18/7/79) include the following.

"The need for experienced staff was stressed rather than choosing people on the basis of social contacts."

"The need for some identifiable structure was discussed with [Proprietor 3] as a means of ensuring some consistency for the children and also affording new members of staff a base from which to work."

"It was felt that the importance (of reviews) tended to be undervalued. The purpose of a review seemed ill-defined, though [Proprietor 3] felt that he had found recent reviews enormously helpful as an opportunity to concentrate on one particular child." The meeting discussed the attendance of children, teachers and other interested adults at reviews.

"The value of an 'outside' consultant was explored."

"The importance of making individual plans for children was touched on."

13.3 At the second meeting (31/10/79) notes that Proprietors 1 and 2 have now moved to Rotherbridge Farm. These notes contain the only statement I have seen about the relationship between Barlavington Manor and Rotherbridge Farm.

“It is the intention that Rotherbridge is seen as an annexe to Barlavington Manor with food etc. being jointly purchased and finances covering both units. Rotherbridge is not a foster home but a residential children’s home annexe to Barlavington Manor and may, in due course, have vacancies if and when existing children move on.”

At this meeting it was suggested to Proprietor 3 that “in the light of present cuts, only those independent establishments who could offer a specialist resource were likely to stay in business”.

13.4 “The major part of the afternoon’s discussion centred around the present use of pocket money as a method of control – the ethics and possible outcome of this. This system has been in operation for many years and although [Proprietor 3] accepted the philosophical arguments against it he felt in some conflict because he felt it had proved to be a successful way of working from his parents. Arguments included – rights of the child in care; use and abuse of the ‘privilege’ system; building up relationships and the effect of sanctions; exercise of power in adult/child relationships in residential care; how children acquire standards and values.”

13.5 The third meeting (30/4/80) discussed the possibility of initiating “group meetings where children can express their own thoughts and ideas... Where children had not been used to participating in this way and contributing to the style of life, it took some time to effect such changes and must evolve slowly. Where there were external controls, the atmosphere was more likely to be that of a school, albeit a benevolent one, rather than a real **home** for the children where they felt they really had a share in it”.

13.6 At the fourth meeting (23/10/80) Proprietor 3 reported that “Children’s group meeting has been tried – was a disaster”. The LBCRPC representative suggested the need for slow evolution.

14. DISCUSSION AND FINDINGS

14.1 I have sought in the previous sections of the report, first to set out the context within which children were placed at Barlavington Manor, and second the information and memories I have been able to collect about how children were treated there, and how RBKC's Children's and Social Services Departments perceived and discharged their responsibilities to those children. In this section I will present my own conclusions.

Exploitation

14.2 All the former residents to whom I have spoken believe themselves to have been the victims of substantial exploitation by the proprietors of Barlavington Manor. In my opinion, these beliefs are on the whole well founded. It seems clear that Proprietors 1 and 2 sought to minimise their own expenditure on the children. There is a substantial consensus both from former residents and from Barlavington staff about the poor quality of food and clothing provided, and substantial agreement by several former 'Aunties' about the poor physical conditions in those parts of the premises used by children and staff. These conclusions are of course not supported by the content of my interview with Proprietor 3, and I have not been able to establish what standards of physical care it would have been reasonable to expect to be achieved from the level of fees charged. There is, however, considerable information about fee levels in the case files and it might well be possible to draw some conclusions from this, given the necessary historical knowledge about costs. It is clear that the establishment was staffed on the cheap. Staff were not only unqualified, (which was and remains by no means unusual) but also for the most part inexperienced, and were paid low wages on top of free board and lodging, where the economies that were practised on the children were also applied to the staff. At some periods, the extent of reliance for staffing on single parents in need of somewhere to live suggests that this may have amounted to a policy – one which seems very likely to have been effective in minimising staff costs. I believe that the Council would have expected the fees to cover routine replacement of children's shoes and clothes, in line with the standard practice of paying foster parents a clothing allowance as part of the weekly boarding out allowances. They would certainly have been entitled to regard Proprietor 1's letter of May 1978 (see para. 9.47 above) as indicating that the new all-inclusive fee would cover routine clothing costs. The practice at Barlavington seems to have been to

regard **special** clothing allowances, e.g. an initial allowance or an allowance on change of school, as the Council's only contribution, and to meet other clothing needs as far as possible at nil cost. It seems in particular extremely likely that neglect of footwear needs caused former residents 7 and 12 to suffer damage to their feet through wearing shoes which were too small for them. Proprietor 3 and several Barlavington employees confirm that children were provided with shoes from a stock kept at the home. BM8 says that it was left to children to say if their shoes were too small. Former residents say that BM6 made them accept the shoes she produced for them even if they complained that they were too small.

14.3 There were also statements from former residents that they were made to pay for clothes provided for them out of pocket money or earnings. BM6 said that clothing given free to the home was sold to the children, and there is the reference in the file on former resident 2, in 1975, to his paying for a pair of trousers from his earnings as a stable lad employed by the Proprietors. He would have been 12 years old at the time.

14.4 Former residents' feelings of being exploited have been very much exacerbated by their perception of the proprietors' lifestyle as extravagant. It can be taken as established in my view that the proprietors lived in some style, that their part of the house was much better furnished, and that the food they ate was of much higher quality and more generous in quantity than that provided for the children. (It has to be said that, at least in the 1960s, it was by no means unknown for superintendents of large local authority children's homes to enjoy a standard of living within their on-site quarters which contrasted markedly with that of the children in those homes.) The possibility that the proprietors had significant independent means from which they financed an enhanced standard of living should, in the light of Proprietor 3's observations (para. 11.88), be discounted, and it is clear from interviews with RBKC staff that the proprietors made it clear to them they needed to run Barlavington as a business and to derive an income from it. It is difficult to establish what level of profit should be regarded as excessive, given that there were never any negotiations between the Council and the proprietors to establish what should be regarded as a reasonable profit element within the fees. Many Barlavington staff whom I interviewed shared the perception of former residents that the proprietors spent on themselves money which should have been devoted to the care of the children.

14.5 Former residents' feelings of having been exploited have also been considerably aggravated by the nature of the chores they were expected to undertake. It would be regarded as good practice for children to be involved in the running of the establishment by, for example, participating to some extent with the housework, thereby learning some housekeeping skills, learning that meals, clean clothes and so on do not appear by magic and finding themselves appreciated as a contributing member of the household. It seems clear however that at Barlavington many of the jobs they did were done for the benefit only of the proprietors. Pulling ragwort and carting hay bales, for example, was work associated with the polo ponies. It seems there may have been some small payment for this, but it seems doubtful that the work was always voluntary. Another example is the chopping of firewood for use only in the proprietors' part of the house. The passing of money between the proprietors and the children seems to have been based on a complex mix of pocket money, money paid for doing certain chores, other chores required as a condition of receiving pocket money, withholding of pocket money as a punishment and, possibly, the sale of clothing. At the least, this is a 'system' providing ample opportunity for the abuse of power by the proprietors.

14.6 Work in the stables and with the ponies raises complex issues. It is not unusual for young people to be worked hard for low wages in this field. Some of the former residents e.g. child 1 and child 14, were undoubtedly very keen on horses and, at one level, happy to work with them. Nevertheless, they clearly now feel that they were used and exploited in this work.

14.7 The dominance of the proprietors' financial considerations and their scant regard for the financial situation of the young people concerned (who were by then aged 18 or over and no longer in care) comes across clearly in the file entries concerning former residents 1 and 3 and the arrangements for them to live in the flat at Easebourne. It appears that Proprietors 1 and 2 were charging a rent of £60 per week for a flat for which they themselves were paying rent of £21 per week, were very probably overcharging for food, and were also receiving from the Council a fee equal to 50% of their normal daily rate for looking after a child in care. The flat was very cold, and damp.

The veracity of the other allegations

14.8 The complaints made by the former residents and the material in their interviews with me are generally consistent, but not so closely dovetailing as

to suggest a common rehearsed script. Some of the incidents and practices they described are either mentioned in the case files or confirmed by Barlavington employees. Examples follow.

14.9 Former residents 1, 3 and 4 all complain of being strapped into their beds. Former resident 3's file records her mother's complaint about this practice. One of the cooks at Barlavington (BM5) told me she had seen small children strapped into their beds in the afternoons.

14.10 Former residents 3 and 4 said that male residents forced them to have sexual intercourse. Former resident 11 has acknowledged that this is true of himself and others. His file records in 1989 that some of the girls at Barlavington had complained that he was touching them up.

14.11 Former residents 1 and 8 say that they were forced to eat potato peelings. A cook at Barlavington (BM5) said in interview that this practice went on.

14.12 Former resident 1's account of Proprietor 2 removing a joint of meat which was (contrary to her intentions) being cooked for the children was independently given to me by one of the Aunties (BM2).

14.13 Former residents 2 and 8 say that Proprietor 1 used to hit children with a jokari bat, and former resident 1 also reports a child being hit with a jokari bat. A former Aunty (BM8) has some recollection of seeing Proprietor 1 going around with a bat of this kind.

14.14 Former resident 3 said that Proprietor 2 used to beat children with a wooden spoon. The Assistant Social Worker whom I interviewed said Proprietor 2 had told her that she kept a wooden spoon to use on the children as a last resort. Barlavington staff member BM6 is also accused of hitting children across the back of the hand with a wooden spoon.

14.15 Former resident 7 writes of being shut in a cupboard. One of the Aunties (BM3) said that children were made to stand in the airing cupboard, and the cook (BM5) said the same.

14.16 Former residents 1, 7, 14 and 16 all mentioned children being force-fed curry powder (or pepper or mustard) as a punishment for swearing.

The file on former resident 6 shows that in between his two periods at Barlavington, he complained of this. Mr G, a former journalist, remembered this as one of the allegations he investigated in about 1976.

14.17 Boxing matches or organised fights between the children were mentioned by former residents 7, 8 and 16. The staff handyman (BM7) said that allegations about boxing matches as published in the newspapers were pure fiction. BM6, however, acknowledged that a boxing match was arranged between child 8 and another boy, and her account is consistent with child 8 having been very much frightened by this. The file on former resident 2 gives a clear account of an intentionally uneven boxing match.

14.18 Former resident 8 said that Proprietor 1 drove up on him from behind and nudged him off his bike. He said that Proprietor 1 was a skilful driver and knew how to judge this. There is no independent confirmation of this incident (which in all probability no-one else would have seen), but the comment about Proprietor 1's skilful driving tallies with his having told Child Care Officer 1 that he had taken part in the Monte Carlo Rally. Proprietor 3 confirmed that his father was a fanatic about cars and had indeed driven in the Monte Carlo Rally.

14.19 Former resident 8 described Proprietor 1 as "100% racist, and in his eyes I was black". A Barlavington Aunty (BM6) said that Proprietor 1 had a racist attitude. She also described former resident 8 as "semi-coloured", which I do not think is how most people would describe him.

14.20 Former resident 13 said that Proprietor 2 took her shopping for clothes on her first day at Barlavington, and told her she must make them last as she would not be bought any more while she was there. She said that after that she had reject and second-hand clothes and that school uniforms were bought as birthday presents or with birthday money. This tallies with Aunty BM8's account of Proprietor 2's treatment of child 13. The case file records the initial clothing expenditure described by former resident 13, but no further separately identified expenditure on clothing.

14.21 Former resident 13 said that she arrived at Barlavington Manor with long hair, which Proprietor 2 cut short. One of the aunts said that if a little girl arrived who had lovely long hair, Proprietor 2 would cut it off. Another Auntie (BM8) remembers Proprietor 2 cutting a chunk out of child

13's very long hair, but does not remember her cutting it all short. Child 10's file records that she had to have her hair cut short because of her distress when a nit comb was used on it.

14.22 The practice of bathing several younger children together, and using the same bath water for several groups of children, was confirmed by BM8.

14.23 Former Auntie BM9 had heard that children went to school with bruised swollen knuckles, although she said she had not witnessed this herself. Former resident 11 said that on one occasion about six of them arrived at the local primary school with bruised thumbs and, maybe, fractures, having been beaten severely with a wooden spoon for picking apples. His brother, former resident 12, said that if BM6 caught the children picking windfall apples they were made to line up with an arm stretched out in front, palm down, and hit hard across the thumb with a wooden spoon. He said this happened regularly.

14.24 Former Auntie BM9 also said, as did a number of the former residents, that if a child complained to his/her social worker, the social worker would then tell the Proprietors, and the child would be beaten for telling lies.

14.25 Proprietor 3 is accused of one serious assault, on child 4. Child 4's own account of it is supported by claims by former residents 1 and 11, who claim to have witnessed it. Proprietor 3 acknowledges that this assault took place. He says that child 4 had been rude and cruel to his wife and that he lost his temper.

14.26 There are, of course, other things reported by the former residents which find no echoes in what I was told by former employees of Barlavington, but it must be remembered that I was able to speak only with a proportion of those who had worked there. It also seems likely that some of the more serious assaults which former residents described would not have been witnessed by staff. Former resident 13, for example, appears from her own account to have been the only witness to Proprietor 2's assault on a boy in the kitchen, which she says she saw through the open hatch. It is also necessary to bear in mind that the period covered by the interviews and case files is a long one, beginning more than thirty years ago and lasting for nearly twenty years.

14.27 I believe that, when all the various accounts from interviews and glimpses afforded by the case files are put together, the complaints about the way residents were treated at Barlavington Manor and at Rotherbridge Farm emerge as substantially true. It is important to acknowledge that some Barlavington staff whom I have interviewed would not agree with this assessment. BM3 and BM7 presented largely positive impressions of the care provided at Barlavington, while BM6, while being in many ways very critical of it, also claimed that the children had gone well beyond the truth in the allegations she had seen reported in the press.

Whether, before making placements, the Council had concerns similar to the allegations subsequently made

14.28 The last recorded placement (of child 19) at Barlavington Manor was made in 1980. Child 19 was then nearly 15. The last placement before that had been made nearly four years earlier, when the child concerned (child 18) was aged 7 years 5 months. Before that, placements of children aged from 13 months to 5 years had been made in every year from 1966 to 1969; and children whose ages ranged from 3 to 13 years had been placed in every year from 1972 to 1975.

14.29 Neither the case files nor my interviews with former Children's or Social Services Department staff reveal any reason to believe that staff making placements actually had concerns similar to the allegations made, before placing children. It is, however, also relevant to ask whether the Council ought to have had such concerns. The information relevant to this question comes primarily from the case files, and has been set out in chapter 9.

14.30 Some time between August 1968 and March 1969 child 3's mother (whose daughter would have been two years old) said that her daughter was tied into her cot and left there in dirty nappies. This is clearly recorded in the file as a complaint, and Child Care Officer 2 told me that she would have discussed it with the Senior Child Care Officer who liaised with Barlavington, but the file suggests that the matters complained of may have been viewed as the kind of deficiencies of care which tend to be unavoidable in large establishments. Those former residents who have actually

complained of being strapped into their cots are children 1 and 3, who were placed before this complaint was made, and child 4, who was placed before the complaint was recorded on file, and possibly before it was made. BM5 said that she was employed as the cook at Barlavington from the end of 1970 until around 1973 and that she saw pre-school children tied into their beds with reins for their afternoon rest. It is not possible to be clear whether the matter was taken up with the proprietors or how long the practice continued.

14.31 Another complaint which appears to have been made to the Council at an early stage is not recorded on any case file I have seen, but was described to me by Child Care Officer 2 and is recorded at para. 10.49 above. Among the criticisms then made were that children had no ownership of their own clothes, which became communal property. This allegation has been made by several former residents, and a former Barlavington employee (BM2) told me there was a big cupboard full of clothes, and she did not think any of the children had their own. It would have been regarded at the time (late 1960s) as poor and institutionalised practice for children not to have had their own personal clothing, and I can see no reason why the Council could not have insisted on its discontinuance, if relevant staff were aware of it. It is, however, impossible to say who, other than Child Care Officer 2, was aware of the complaint.

14.32 In June 1975 an Education Welfare Officer expressed concern that children 13, 14, 15 and 16 were unhappy at Barlavington (see para. 9.4 above). As indicated in that paragraph, my main concern is the apparent lack of curiosity as to what might lie behind child 14's subsequent statement to her social worker that she ran away because she stole a sausage. It seems extremely unlikely that this incident would have been known to the social worker for child 18 when he was placed at Barlavington 15 months later at the age of seven. The file on child 14 indicates that the Education Welfare Officer's concern was discounted, and in my view it should have received more attention than the case file suggests it received.

Whether the Council received complaints or had similar concerns during the placements, and whether appropriate action was taken on them.

14.33 Three complaints have been mentioned at paragraphs 14.30 to 14.32 above. With reference to para. 14.32, the child care officer who received the complaint told me that she would have discussed it with the

senior child care officer who liaised with Barlavington (and subsequently became the Social Services Department's Child Care Adviser). With no more than this to go on, I cannot be clear whether or not appropriate action was taken, but if former residents 3 and 4 have genuine personal memories of being strapped into their cots, then it seems likely that the practice continued after the complaint was made.

14.34 It is difficult to come to any conclusion on the complaint about communal clothing (para. 14.31) since there is no written record at all. The impression I received from the former child care officer was that it was treated as a matter relating to the two children on whose behalf it was raised. Again it seems clear from what former residents have said that the practice continued.

14.35 I have made it clear in para. 14.32 that I do not think that the Education Welfare Officer's concerns were followed up to the extent that they should have been, although it is clear that they were investigated.

14.36 In June 1977 child 6 complained that when he was at Barlavington, hot pepper was put in his mouth when he swore. He was not at Barlavington himself at the time, but his brother and fourteen other RBKC children were. Four former residents have made complaints about this practice, but I have no indication of whether it was in use in 1977. Child 6's observation does not seem to have been treated as a matter requiring investigation. Being in a file on a child not then at Barlavington, it may not have been brought to the notice of any senior member of staff as a matter requiring attention. I would have expected the practice to be regarded as unacceptable at the time.

14.37 In June 1978 Proprietor 3 informed child 14's social worker that she had made complaints to the police and to the school about her treatment at Barlavington. I would have expected the social worker to make some enquiry as to the nature and substance of these complaints, but nothing of this kind is recorded in the file.

14.38 In June and July 1979 child 4 told social workers that she saw no point in having a social worker, because everything a child said to them was repeated to the Proprietors. There seems, from the way these conversations

are recorded, to have been a lack of curiosity from the social workers as to why the child felt so aggrieved by this.

14.39 The concern expressed about child 4 and about Barlavington generally by a West Sussex Senior Social Worker is reported at para. 9.10 above. The RBKC Social Worker concerned was very prompt in informing the Child Care Adviser of this approach, but there is no further information on file. The somewhat irregular way in which the West Sussex Social Worker went about the matter may have side-tracked the Council's response. Nevertheless, the matter should have been followed up by the Child Care Adviser. It may well have been. There is now no evidence pointing either way.

14.40 Paragraphs 9.13 to 9.17 and 9.61 instance complaints about and criticisms of Barlavington made by former residents after they had left. A more determined response at the time to any or all of these criticisms might perhaps have precipitated an earlier general enquiry into the care provided at Barlavington.

14.41 It may be appropriate at this point to deal with a complaint made by a former resident 7 that the Council "took it upon themselves to withhold vital medical information regarding the serious family history of epilepsy". Former resident 7 wrote to the Director of Social Services in July 1993 saying, in part: "I believe that I am entitled to read any files that you might hold concerning me or my parents", and "I'm getting married next year and want to know if there is any medical information on my parents available". His former social worker, who was still working in the Department, replied in the same month, promising a further letter once she had made arrangements (including any necessary consents) to go through his file with him. She wrote again, in February 1994, apologising for the delay and asking if Proprietors 1 and 2 were aware of this request for access to the file (as it contained information about them) and whether he would be able to come to London to read it. There was no further correspondence on file, and it may be that former resident 7 felt that the Department was prevaricating. It was fairly clear from his letter that concern about any worrying family medical history was an important factor in his request, and it is a pity that neither of the letters sent in reply makes any reference to this. Equally, it was open to former resident 7 to write back pressing this point. One of his social workers had recorded on his file that, when she saw him on 31 July 1976 (he would have

been 11 at the time), she told him that his mother “was very often ill and had fits (and explained what that meant) and that she couldn’t really look after him properly”. In the earlier part of his file there are several references to his not being fostered because potential foster parents feared he might develop epilepsy, and it is also stated that the epilepsy in his family precludes a direct adoption placement.

14.42 Included in paragraphs 9.18 to 9.43 of this report are a number of matters referred to in the case files which, if the files had been used to monitor the general quality of care provided at Barlavington, could have alerted the Council to the need to enquire more closely into certain aspects of it. It is, however, fairly clear that there was no intention at the time that the files should be used for this purpose. The matters to which I refer are those reported in the following paragraphs:

9.20 – boxing matches, August 1976

9.21 – Proprietor 2 cures enuresis by losing her temper, May 1977

9.22 – The practice of corporate punishment, early 1981

9.23 – Proprietor 1’s fear of hitting a child too hard, May 1981

9.26 – Changing a child’s name, July 1967

9.31 – Child 10 had to have most of her hair cut off, October 1972

9.34 – Social workers not to visit whilst Proprietors 1 and 2 are on holiday, September 1972

14.43 In July 1979 children 15 and 16 expressed resentment at having to do chores in return for modest levels of pocket money, and having to use payment for extra work done for Proprietors 1 and 2 to buy trousers. It is disappointing that notes of a LBCRPC meeting at Barlavington in 1985 (see chapter 13) show that six years later there were still unresolved issues about pocket money.

14.44 In June 1981 a social worker recorded that some of the girls at Barlavington had complained that one of the boys was ‘touching them up’. I can find no reference to any opportunity being afforded to any of the girls to talk to their social worker about this. However, if those who had moved to Rotherbridge Farm are excluded, I think that child 4 was the only RBKC girl still in care at Barlavington, and it may be that the girls concerned were all in the care of other authorities. Child 4, however, is one of those who have said that they were sexually abused by boys at Barlavington. There is no reference

on the file of the boy concerned to any follow-up action. I would not expect current procedures to have been applied in 1981, but I would have expected the girls concerned to have been asked by their social workers about their allegations when they next met.

14.45 In the above paragraphs I have commented, from my reading of the files, on the instances in which I considered that responses to complaints and to other possible sources of concern fell short of best practice. These comments must, however, be understood against a background of there being no formal complaints procedure (see Appendix C) in force, and no general expectation that there should be.

The monitoring of placements

14.46 I have discussed this subject in chapter 7.

14.47 Clearly there was substantial non-compliance, from 1971 to 1978, with the statutory requirement to hold six-monthly reviews of the progress of children in care placed at Barlavington. Paragraph 7.7 shows that during this period 59 reviews were held more or less on time (i.e. within eight months of the previous one), 28 were held late, and approximately 58 were not held at all. I have also commented on the long gaps between reviews in some individual cases.

14.48 I believe that such non-compliance was widespread at the time, and is an indication of the difficulties which the personal social services then faced – the relationship between resources and demand, the complexity of their functions and consequential organisational and managerial problems.

14.49 I am not by any means convinced that, if reviews had been held on time during this period, the abuses now alleged would have come to light. The bulk of the information given at reviews about how children were being treated at Barlavington came from the proprietors, who appear to have been well able to ensure that untoward information either was not contributed or was so conveyed as to put the proprietors in a favourable light.

14.50 As reported in paragraphs 7.13 to 7.15, I have been unable from the files or from interviews to ascertain whether children at Barlavington were visited sufficiently often by their social workers, nor whether the Department

had any standard expectations as to the frequency of visiting of children either in residential care generally or in private children's homes in particular.

14.51 The purpose of social workers' visits to Barlavington was shaped by current perceptions of the child care officer's or social worker's role, which I have discussed in paragraphs 3.2 to 3.5, and one would nowadays expect more active monitoring of all aspects of a child's development. Child care officers and social workers did, however, take reasonable steps to create situations in which children would feel able to talk about current problems. It is of course unfortunate that they were unaware that they could not rely on a benign response from the proprietors when, hoping to help them to understand the needs of the children, they passed on what the children had told them. Measured against the expectations of social workers and the understanding of their proper role and methods of work which prevailed at the time, there is no general criticism to be made of the performance of RBKC's social workers. My general impression is that standards were above average.

14.52 Until Proprietor 3 assumed responsibility, the Council appears to have known very little about the role and competence of staff employed at Barlavington, or about how they were recruited. There appears to have been very little contact between the Council officers and staff. It should have been apparent that the quality of care must depend on the work of the staff as well as on the proprietors. Conversations with Barlavington staff would have added something to the Department's knowledge of Barlavington. This is borne out by the few such conversations which are recorded in the files. There also seems to have been very little direct observation of the care provided. Social workers' visits appear to have been to a considerable extent stage-managed by the proprietors, with social workers being received in the proprietors' quarters, often not visiting the parts of the premises where the children lived, and, when they did, being accompanied by one of the proprietors. Social workers rarely seem to have contrived to happen to be present when children were having a meal, or participating in any other aspect of the routines of the establishment. As far as I can tell, no unannounced visits were made to Barlavington, and it seems fairly clear that the proprietors would have found them unacceptable. Indeed, one social worker incurred Proprietor 1's wrath merely by visiting the child's school without discussing this with him beforehand. It would have been reasonable to insist on certain rights to observe how the children were cared for and to talk to the staff on their own, as minimum monitoring requirements, but it seems clear that there

was no Departmental general culture or practice which would have supported staff in insisting on such rights. In the absence of a model set by the Department for its staff's visits to Barlavington, the ground rules were effectively set by the proprietors, who, starting from the strong ground that it was, after all, their home, set a model based on conventional social good behaviour with themselves as hosts and Departmental staff as guests. Thus, one did not visit at times inconvenient to one's hosts, roam uninvited around the hosts' house, or discuss the hosts' business affairs with their employees.

14.53 The role of the Child Care Adviser was clearly central to the monitoring of the overall quality of care. I have not seen job descriptions relating to the period under scrutiny, so do not know how this role was formally described, and must draw my impression from interviews.

14.54 I have spoken to two former Directors of Social Services and two former Assistant Directors. None of them has been in a position to give me detailed information about the Child Care Adviser's role in relation to Barlavington. It is established that it involved attending children's reviews at Barlavington. The general role of the Child Care Adviser also included advising on long-term placements, including Barlavington. From what I was told by the Child Care Adviser himself and by social workers, the other main part of his role, as he discharged it, was to form a relationship with the proprietors and to use that relationship to help social workers by taking up with the proprietors any concerns they might raise with him about children placed at Barlavington. There has been no mention of any formal periodic review or appraisal of Barlavington Manor as a resource. Such a system would have been helpful. Its apparent absence is not surprising, given that it was only with the implementation in 1991 of the Children Act 1989 that local authorities acquired a duty to carry out periodic reviews of foster carers.

14.55 With hindsight, the need for clear arrangements for periodic re-appraisal of the overall quality of care provided by an establishment of which the Council was a heavy user seems obvious. At the time, I do not think it was recognised, either in RBKC or in most other authorities. I think it was assumed that if social workers kept the Child Care Adviser informed of any concerns, a reasonable familiarity with the establishment would be maintained.

14.56 It was, and to some extent still is, common practice to lump together private and voluntary homes and to make no distinction between them. It would of course have been better if the Council had taken into account Barlavington's particular status as a private children's home. There were two significant considerations. The first was that as a private children's home it was not subject either to statutory regulations governing local authority and voluntary homes, or to the registration system applying to voluntary homes, and that no central or local authority was under a **duty** to inspect it. (The Secretary of State had a **power** of inspection from December 1969 but did not use it. This might suggest that at central government level also there was no recognition of any need for routine inspection of private children's homes.) The second consideration was that, unlike local authority and voluntary homes, there was no separation between the governing body and the person or persons in direct charge of the home. The people running the home day by day had therefore no accountability to others for the way in which they chose to care for the children, other than that which placing authorities chose to demand. None of the former RBKC staff I interviewed remembered having been aware of this. I have found no indication that the Council ever saw any need to treat placements in private children's homes any differently from those in voluntary and other local authorities' homes. From my interviews it appears that there was a general view in RBKC that private children's homes tended in general to provide better care than others. It would therefore perhaps have been surprising if the Council had developed additional monitoring arrangements in respect of them. In 1977, however, a private children's homes inspection service was set up by the London Borough's Children's Regional Planning Committee, as a result of concern within London Boroughs about the lack of statutory regulation of these homes (see para. 12.6).

14.57 There may be some grounds for concern about the Council's monitoring of the children's health. I have found no reports on the case files of medical examinations carried out for the Council by the local GP, only indirect references in records of six-monthly reviews. Nevertheless, the GP himself was quite clear that he carried out these examinations, and was equally clear that this was a service which he provided to the placing authorities and that it was distinct from the services he provided under his general National Health Service contract. Some of these medical reports, made on forms provided by the local authorities concerned, have turned up among papers handed to the police by Proprietor 3. It therefore appears

highly likely that the Council failed to ensure that it received reports of medical examinations of children carried out on its behalf.

Did the Council make the appropriate payments for the children's care and monitor how those payments were spent?

14.58 I have found no indication that the Council failed to make appropriate payments for the children's care. Papers from Proprietor 3 passed on by the police (see chapter 13) contain letters to another authority protesting about their late payments, but no such letters to RBKC. I have heard no suggestion that Barlavington was regarded as a cheap placement. Many RBKC staff have told me that, until about 1984, cost was not a significant factor in the choice of placements. I have no information to suggest that the fees paid were inappropriately high or low in relation to the needs of the children, but it seems likely that they were high in comparison with what was actually spent on their care. Social workers and their managers were routinely asked for written justification of expenditure, and justifications based on children's assessed needs appear to have been routinely accepted.

14.59 As far as I can judge, the Council did not routinely monitor how payments were spent. Barlavington was an independent establishment, and, as one would expect, the Council did not receive copies of its accounts, and could not of course audit them. There would not in those days have been a service specification stating what Barlavington should provide in return for its basic daily rate, and there would therefore have been no clear yardstick against which to measure spending of the basic fees paid, even if proof of expenditure had been available. It is my impression that extra payments claimed by Barlavington on their invoices were not routinely required to be supported by receipts or other proofs of expenditure, and that only bills from third parties were required to be accompanied by proofs of sale. Reference to social workers checking up on whether children had received specific items for which the proprietors had been reimbursed are sparse, but this happened on occasion.

14.60 The Child Care Adviser referred to allegations reported in the Evening Standard that young people had not received, in one case a moped and in another driving lessons, paid for by the Department. His view was that the Council would have insisted on making such payments direct to the vendor of the moped and to the driving school, thus preventing the proprietors

of Barlavington Manor from misappropriating them. It appears, however, from the files that the young people themselves often contributed from their earnings towards the cost of this kind of purchase, and that in these circumstances the Council did not insist on collecting the young person's contributions and settling the account itself, but allowed the proprietors to do this. This might have given the proprietors an opportunity to understate the contribution made by the young person, but it is unlikely that former residents would actually have contributed to the cost of substantial items which they did not then receive. This allegation has not been made directly to me in this form. What has been alleged, for example in the letter from Former Resident 7, is that he himself bore the entire cost of driving lessons and driving tests, and the implication is presumably that the proprietors pocketed the Council's contributions. I am not able to clear this matter up. It appears to me that the financial system on its own may have been vulnerable to such a deception, but the social worker would have been very likely to tell the young person what the Council had agreed to contribute, so the likelihood of detection would have been high.

Whether officers made appropriate judgements about children's contact with their parents

14.61 I would like to broaden this issue in order to take account of former residents' complaints that their contacts with other significant adults were broken, and that people expressing interest in fostering or adopting them were discouraged.

14.62 Over the years, some children lost contact with social aunts and uncles and other adults who had befriended them in the past. Unsurprisingly, I have not traced any of them, so do not know whether, as some former residents believe, they felt discouraged by the proprietors from maintaining contact, or, were fed false information. I can make no judgement about this.

14.63 By contrast, there is some evidence that the proprietors allowed new contacts to become well established before they informed the Council (see para. 9.35).

14.64 Some expressions of interest in fostering children were discouraged, at least in part on the grounds that the child was settled at Barlavington and the plan was for him/her to stay there. I believe that similar

expressions of interest arising now would have been pursued further. It was acceptable in the period covered by this enquiry to regard residential care as providing a child's substitute home. If a child appeared settled in a long-term residential placement, particularly one in which s/he might well, as at Barlavington, stay until s/he was 18 or older, a decision to attempt fostering, with the attendant risks of a placement breakdown, would not have been taken lightly. It is possible that the proprietors may have sought to influence social workers against potential foster carers, but it seems likely, judging by the way these matters are written up in the files, that the Council would have come to the same decision in any event. Certainly I can find no indication that the Council failed to take responsibility for decisions about fostering or delegated them to the proprietors. Any criticisms that wrong decisions were taken about possible family placements should therefore be directed at the Council.

14.65 Possibilities of placing children in foster care with members of their families were pursued more vigorously. Serious consideration was given to placing child 18 with his aunt. Child 4 was placed with her aunt.

14.66 My overall conclusion about the social workers' judgements about children's contact with their parents and other family members is that appropriate judgements were made, and also that much time and effort were devoted to working with parents and maintaining links. There is no evidence of children being removed from home unnecessarily; indeed in one case I felt that intensive efforts to support a worrying home situation had perhaps been continued for too long before the child was removed. In one or two cases the whereabouts of children's mothers were unknown when the children were received into care. Intensive efforts were then made to trace them and other family members. In one case a defensible decision was made that a child should not have further contact with her mother during her childhood. As adults, they are now in regular contact with one another. Former residents 13 and 14 returned for a time to their father. Former residents 11 and 12 maintained substantial contact with their grandparents. In all cases I am satisfied that social workers, and other staff present at reviews, gave proper consideration to whether and how family contact should be maintained, with an appropriate presumption in favour of promoting it. In some cases, parents could not be persuaded or enabled to maintain contact.

14.67 Social workers' concerns about the proprietors' attitude towards parents are set out in paragraphs 9.62 to 9.69 and 10.34 to 10.38. In the

matter of contact with parents, child care officers and social workers were clear that decision-making responsibility rested with them and not with the proprietors (in contrast to issues about the day to day care of the children) and they handled with confidence any misgivings or opposition from the proprietors.

15. CONCLUSIONS

15.1 The overall conclusion of this enquiry is that:

- i. The allegations made by former residents of Barlavington Manor about their treatment by its proprietors and staff are in all probability substantially true; Proprietors 1 and 2, one staff member in particular and perhaps one or two others were not suitable people to look after children in public care; and the care given by other staff members was adversely affected by their lack of experience, their relative powerlessness and their working within an unsuitable regime.
- ii. If the Council's supervision of placements at Barlavington Manor were to be judged by the standards which are expected today, it would be found to be seriously defective.
- iii. Although views about what is and is not acceptable in the care of children were changing during the period under review and have changed further since then, much of the treatment experienced by former residents would have been regarded as unacceptable at the time.
- iv. The Council did not, therefore, succeed in its primary duty of furthering the best interests of or promoting the welfare of children in its care placed at Barlavington Manor.
- v. The lack of protection afforded to the residents is primarily attributable to the circumstances prevailing at the time in local authorities in general and in inner London Boroughs in particular. These circumstances include the quality of placements generally available to children in care, the stage of development of social work knowledge and skill, the then prevailing understanding of the role and authority of field social workers, and the absence of many expectations and procedures which have been introduced subsequently, and which have necessitated a substantial reduction in the average caseload of child care social workers, and improved staffing ratios in residential establishments.
- vi. My study of the case files and interviews with RBKC staff suggest a generally high level of commitment to the work, and to the interests of

the children. Occasions on which the standard of work appears to have fallen short of best practice have been noted. One would not expect to review the case files on 19 children without finding such examples.

15.2 Conclusions of this kind may perhaps attract suspicions that, in the attempt to apply expectations appropriate to the period when the work was undertaken, undue allowances may have been made. I will, therefore, conclude by summarising those aspects of the law, accepted practice, methods of work, procedures and expectations which I consider particularly relevant to the overall conclusion I have reached.

- Particularly in areas with a serious shortage of foster homes, as Kensington & Chelsea was, the general quality of resources available in which children could be placed was very poor, and this was inevitably reflected in low expectations of residential homes. Social workers were placing children in homes which they knew to be unsuitable, for lack of any alternative. Against this background, Barlavington was seen as less unacceptable than many, or even as relatively good. It is not surprising that it was viewed as a precious resource, to be carefully nurtured by the Child Care Adviser.
- It was accepted practice to delegate substantial authority for the care of children to people running private and voluntary homes, approved schools and remand homes.
- Social workers therefore felt and indeed were fairly powerless in relation to heads of private and voluntary homes.
- Knowledge and understanding of child abuse were much less developed.
- There were no procedures for investigating allegations of abuse in residential establishments. In the earlier part of the period under review, child protection was synonymous with safeguarding children by bringing them into care. It did not therefore apply to children already in care, who were *ipso facto* protected.
- There was no system of registration and inspection of private children's homes, and there were no regulations instructing proprietors how they should treat children living in them. There was also no system of

periodically reviewing the performance and quality of resources such as children's homes.

- There was no equivalent of the "Looking After Children materials", with their emphasis on attending to all aspects of a child's development.
- There were no complaints procedures, and complainants were not seen as having rights in the way this would now be understood. For children in particular, a complaint was likely to be seen as a piece of behaviour, a symptom, possibly helpful to understanding the child's internal world, but not necessarily triggering a right to investigation and redress.
- Present-day methods of work would have been unachievable with the caseloads then carried by social workers.

Keith Bilton

November 1999



CHICHESTER POLICE STATION

Your Ref:

Our Ref:

Date:

Contact Name:

Tel. Extension:

Direct Dial No:

Child Protection Unit, Sussex Police, Chichester
Direct Dial Telephone No. 01243 520237

Dear

I am writing to you as I understand that you were a resident at Barlavington Manor Childrens Home during your childhood.

Sussex Police have received a number of complaints from former residents concerning the way they were treated whilst living there.

If you have similar concerns or complaints and would like to discuss them in the strictest confidence, please contact the Child Protection Unit at Chichester.

Yours sincerely,

REF: ENQ11A 2

**THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA
SOCIAL SERVICES DEPARTMENT**

**ENQUIRY INTO ALLEGATIONS MADE BY CHILDREN PLACED
BY THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA AT BARLAVINGTON MANOR CHILDREN'S
HOME**

ENQUIRY REMIT

Background / Context

This enquiry has been established after allegations were received by the Department about a number of former service users' experience of care whilst resident at Barlavington Manor. The Department has been unable to enquire into the allegations while Sussex Police have been carrying out their investigations.

This enquiry is commissioned by Moira Gibb, Director of Social Services. The enquiry's findings will be reported to the Social Services Committee.

A summary of the enquiry's findings will be distributed to all former service users who have made allegations and have participated in the enquiry.

The Director of Social Services, Moira Gibb will write to all these former service users individually in response to the enquiry's findings.

Purpose of the Enquiry

The purpose of this enquiry is to consider allegations made by a number of former residents of Barlavington Manor, a private children's home which operated during the period 1967 to 1984. In particular, the enquiry should look at the allegations made by those adults formerly in care to the Royal Borough of Kensington and Chelsea.

Enquiry Task

To establish as far as is possible:

1. The veracity of allegations made against the owners and staff of Barlavington Manor

and to seek to establish whether the Royal Borough of Kensington and Chelsea's Social Services Department:

2. had similar concerns to those identified in the allegations prior to making placements,
3. had similar concerns during the residents' placements,
4. whether the residents or their relatives made such allegations during the duration of the placements,
5. if there were any concerns, whether the Department acted on those concerns in accordance with the guidance and policies of the time,
6. whether the Department monitored the placements appropriately,
7. whether the Department made payments to Barlavington Manor appropriate to maintaining the children in an acceptable manner,
8. whether the Department monitored these payments and how they were spent,

9. whether Department staff made appropriate judgements about the extent of residents' contact with birth parents.

Evidence / Information For the Enquiry to Consider:

2. The evidence given by those former residents of Barlavington Manor who have made allegations to the Police and to the Council. The head of the enquiry should meet with the former residents unless they express a wish not to do so. (The Department's Complaints Officer to advise.)
3. The enquiry should also consider the Police statements and any correspondence with the Council from the former residents as part of their evidence.
4. A few former residents have suggested that their relatives who visited them at Barlavington Manor wish to give evidence. They should be allowed to do so.
5. The Social Services case files available should also be considered; both those pertaining to former residents who have come forward with allegations and also those relating to other children who were placed by this Council at Barlavington Manor.
6. The evidence given by currently employed Royal Borough staff who had knowledge of Barlavington Manor. (Department Complaints Officer to advise.)
7. The evidence given by those members of staff, willing to give evidence, who were placing and visiting children at Barlavington Manor, but who have since left the Department.
8. Evidence from people who knew the home, and have come forward following the Evening Standard article about these allegations.
9. Evidence from Patrick Ellis, son of Mr and Mrs Ellis, the former owners of Barlavington Manor, and former manager of the home following his parents' retirement in 1982.
10. Information pertaining to child care practice, policy and guidance at the time.
11. Police statements from former Barlavington Manor staff.
12. The papers remaining from Barlavington Manor's own files.

Scope:

2. The enquiry should consider all the evidence pertaining to these allegations.
 3. Where those allegations simply pertain to an individual resident, these will be considered separately and will be reported on separately.
 4. The enquiry should not consider the legal issues relating to action being taken against the Royal Borough by former residents.
 5. Any recommendations for current child care practice should be reported distinct from the main report.
 6. The enquiry should be as thorough as is possible given the length of time that has passed since Barlavington Manor closed.
 7. The enquiry should ensure that it considers the veracity of the allegations in light of child care practice at that time.
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APPENDIX C

ACTS, REGULATIONS AND GUIDANCE IN FORCE - 1966 TO 1986

1. Contents

In this appendix I briefly review the relevant legislation and statutory guidance in force during the period covered by the enquiry. I also refer to a few other significant national reports. The subjects covered are:

local authorities' general duties towards children in their care;

private children's homes;

the treatment of children in residential care;

reviews of the cases of children in residential care;

the role of field social workers in relation to children in care;

local authorities' responsibilities concerning the ill-treatment and neglect of children;

the employment of staff in residential child care;

complaints;

after-care;

parental rights.

2. Local authorities' general duties towards children in care.

2.1 The Children Act 1948 provided (s.12(1)) that "where a child is in the care of a local authority, it shall be the duty of that authority to exercise their powers with respect to him so as to further his best interests, and to afford him proper opportunity for the development of his character and abilities". This was the general duty in force in 1964, and it remained in force until replaced in 1976 by the Children Act 1975.

2.2 Subsection 2 of the same section stated that “in providing for a child in their care, a local authority shall make such use of facilities and services available for children in the care of their own parents as appears to the local authority reasonable in his case”. This subsection remained in force throughout the period under consideration. Its intention was to lead local authorities into providing normalising experiences for children in care and to discourage segregation. The Home Office Memorandum on the Children Act 1948 (November 1948) said that the Act was designed to ensure that “all deprived children shall have an upbringing likely to make them sound and happy citizens and shall have all the chances, educational and vocational, of making a good start in life which are open to children in normal homes”.

(The Children Act also required authorities to exercise their child care functions under the general guidance of the Secretary of State - meaning, until 1971, the Home Secretary - and in the earlier years this guidance was often issued in the form of Memoranda accompanying Acts and Regulations.)

2.3 The Children and Young Persons Act 1969 modified the general duty under s.12(1) of the 1948 Act by introducing a counterbalancing power of public protection. “If it appears to a local authority that it is necessary, for the purpose of protecting members of the public, to exercise their powers in relation to a particular child in their care in a manner which may not be consistent with their general duty under section 12(1) of the said Act of 1948 to further his best interests and afford him opportunity for proper development, the authority may, notwithstanding that duty, act in that manner.” This section came into force on 1/12/69.

2.4 The Children Act 1975 retained the above proviso on protecting members of the public, but replaced s.12(1) of the 1948 Act with the following:

“In reaching any decision relating to a child in their care, a local authority shall give first consideration to the need to safeguard and promote the welfare of the child throughout his childhood; and shall so far as practicable ascertain the wishes and feelings of the child regarding the decision and give due consideration to them, having regard to his age and understanding.”

2.5 The changes brought in by the 1969 and 1975 Acts were re-enacted without alteration in the Child Care Act 1980 (section 18), which remained in force for the rest of the period under review.

3. Private children's homes

3.1 It is important to note that throughout the period 1966-1986 there was no legislation in force which made any specific reference to privately-owned children's homes. The Children's Homes Act 1982 made provision for the registration, inspection and conduct of private children's homes, but it was never brought into force (although part VIII of the Children Act 1989, implemented on 14/10/91, is largely based on it). Central Government and local authorities had reached broad agreement on the regulation of private homes by 1978, and the 1982 Act was introduced as a Private Member's Bill in 1981. Subsequent to its passing there were discussions with local authorities about Regulations to be issued under it, but no further action. It was estimated at the time that there were in England and Wales about 170 private children's homes accommodating about 2500 children in all.

3.2 The Children and Young Persons Act 1969 gave the Secretary of State a power to inspect private children's homes. ("The Secretary of State may cause to be inspected from time to time...any other premises in which one or more children in the care of a local authority are being accommodated and maintained" (s.58(1)). Inspectors were given powers of entry, but the Home Office was not given any powers of enforcement or any power to close homes found to be unsatisfactory. This section came into force on 1/12/69.

3.3 In the absence of any regulations governing the placement and care of children in private children's homes, the local authority's general duty towards children in care (para. 2 above) becomes particularly significant. The following extract from the Memorandum on the Boarding Out of Children Regulations 1955 (para. 22), which comments on placements where no regulations apply, is significant. This "does not mean that there is no need for supervision by the local authority...As will be realised, there is undoubted need for adequate supervision of children...This supervision may call for particular care and discretion for the reason that it has to be exercised as part of a general responsibility, with no statutory provisions which

specifically require it or prescribe, for example, the frequency of visits”.

4. The placement of children in private children's homes

4.1 The Children and Young Persons Act 1969 (s.49) introduced more permissive, less directive, provisions governing the placement of children in care. They were to be placed, as the local authority thought fit, either with foster carers, or in a community home or a voluntary home or “by making such other arrangements as seem appropriate to the local authority”. “Other arrangements” could obviously include a private children's home, and the Act did not establish any hierarchy of preference among the options it listed. It was, of course, necessary that the placement should be compatible with the general duty described in para. 2 above. This section was in force from 1/12/69.

4.2 Before the implementation of this section, the law relating to the placement of children (Children Act 1948, s.13) was more restrictive. Children were to be boarded out (fostered) unless this was either impracticable or undesirable. If not boarded out, they were to be placed in a local authority or a voluntary children's home. There were, however, exceptions. In particular subsection 5 of s.13 said that the requirements as to placement were not to be construed as preventing the local authority from making use of facilities and services available for children in the care of their own parents, and that, in order to make use of such facilities and services, the local authority could arrange for the child to be accommodated and maintained in any other suitable manner. This appears to be the provision on which local authorities would have had to rely, in the period before 1/12/69, if their use of a private children's home for children in care had been challenged. They would have had to argue that the home was notionally available to children in the care of their own parents. It would have been difficult for the authority to show that they were thereby following the aims of normalisation explained in the Home Office memorandum (quoted at para. 2.2 above), which s.13(5) was intended to facilitate. Nevertheless, it is clear that a number of local authorities did make placements in private children's homes at that time, and that RBKC was by no means alone in so doing. The London County Council used private children's homes and the inner London boroughs which took over its functions in 1965 continued to do so.

5. The treatment of children in residential care

5.1 Because private children's homes lacked legal recognition as a category, there were no regulations governing how they were to be run. The Administration of Children's Homes Regulations 1951 applied to local authority and voluntary homes. They were accompanied by guidance, a memorandum on the conduct of children's homes, July 1951. Although the regulations and guidance were not binding on private children's homes, they could have been used by a local authority using a private establishment as a basis for the authority's expectations as to how children in its care would be treated.

5.2 The Administration of Children's Homes Regulations included the following requirements:

- All homes were to be conducted in a manner and on principles designed to secure the children's well-being;
- Observance of this requirement was to be checked by a monthly visit to the home;
- The person in charge was to keep records, including a record of events of importance, fire practice records, records of food provided (in sufficient detail show whether the diet was satisfactory), and a punishment book recording all corporal punishment;
- Requirements as to religious instruction and attendance at religious services;
- Requirements as to medical care (see below);
- Suitable arrangements were to be made for dental care;
- Adequate fire drills and fire practices were to be arranged;
- Requirements as to punishment (see below).

The requirements for the children's medical care involved the appointment of a medical officer whose duties included general

supervision of the children's health and of hygiene on the premises, regular attendance at the home to ensure close acquaintance with the children's health, regular examination of the children and medical attention as necessary, advice to the person in charge and supervision of medical records to be kept by the person in charge.

Regulation 11, concerning punishment, authorised staff to smack children under ten on the hands, using their own bare hands. Corporal punishment of girls aged ten and over was not permitted. Boys aged ten but under school leaving age could be punished by being caned on their bottoms, over their ordinary clothes, by the person in charge (or authorised deputy in his/her absence) using up to six strokes of a cane of a type approved by the Secretary of State. They were not to be given any other form of corporal punishment. Children known to have a physical or mental disability were not to be given corporal punishment without the agreement of the home's medical officer. The Regulation does not mention any other forms of punishment, discipline or control.

- 5.3 The Memorandum on the Conduct of Children's Homes made a number of important observations. The substitute home should offer affection and personal interest, stability, opportunity for the child to make the best of her/his ability and aptitudes and a share in the common life of a small group of people in a homely environment. The home should aim to provide a reasonable standard of comfort. Bedrooms should be personal, not uniform. "Every child should have an individual place in which to keep his personal possessions which should not be disturbed by the staff without his knowledge." Religious upbringing must be founded on the example of the people with whom the child lives. Daily life in the home should create a feeling of security and well-being e.g. regular meal and bed times, social training at meal times. The housemother should make time for the child at bed time by talking to the child etc. Play is necessary for the child and play materials should be supplied, with an emphasis on outdoor activities. Uniformity of dress was discouraged. Money should be given to allow the child to become aware of its use. Children should be encouraged to take part in the day to day running of the home. Visits by relatives and friends should be encouraged with no undue restrictions as to times and with no monitoring of letters save in exceptional circumstances. The aim should be for each child "to have the kind of holiday which, besides giving him pleasure at the time, will widen his interests and provide him with

those experiences and memories which are so important in the pattern of young lives". Children should have a well balanced diet. On discipline, the Memorandum advised that discipline is necessary, but any correction should be to help the child towards self-discipline and responsibility with the staff employing patience, interest and understanding. Provision for corporal punishment was stated to have been included in the Regulations "for use as a last resort". Use of corporal punishment was at the discretion of the local authority or voluntary organisation providing the home, and its use required a positive decision by them.

- 5.4 On 1 April 1972 the Community Homes Regulations came into force, replacing the Administration of Children's Homes Regulations. Again, they did not apply to private children's homes. They were generally less prescriptive. Regulation 5, on medical care and hygiene, required only that the responsible body should arrange for the provision of adequate medical (including where appropriate psychiatric) and dental care, and for the maintenance of satisfactory conditions of hygiene. The appointment of medical officers became discretionary. Adequate precautions against fire and accidents were required, as were fire drills and practices. Religious observance became a matter of providing children with appropriate opportunities. Suitable facilities were to be provided for visits by parents, guardians, relatives and friends, but visiting arrangements were left as a matter for the body responsible for the home. The Regulation on punishment was replaced by Regulation 10, on control, which stated that "the control of a community home shall be maintained on the basis of good personal and professional relationships between the staff and the children resident therein". Any additional measures of control, and the conditions under which they could be used, had to be approved by the organisation responsible for the home, which was required to "have regard to the purpose and character of the home and the categories of children for which it is provided". This Regulation obliged local authorities to set out for their own residential homes guidance on all the forms of control, discipline or punishment they were willing to allow. A Memorandum of guidance on the Regulations made it clear that an entirely new approach was intended, with a focus on the maintenance of control rather than on punishment. Control arrangements should be designed to secure proper provision for the care, treatment and control of children and should, as required by the Regulation, be maintained on the basis of good personal and professional

relationships between staff and children. This guidance also pointed to the marked decline in the use of corporal punishment in recent years, expressed the hope that this decline would continue and, while taking the view that a total ban would be impracticable, hoped that local authorities would authorise the use of corporal punishment sparingly and as a last resort, and reconsider annually whether it was still needed.

5.5 Note that for voluntary homes outside the community homes system, the 1951 Regulations continued to apply.

5.6 In July 1978 the DHSS Social Work Service (now the SSI at the Department of Health) advised local authorities that any corporal punishment authorised in community homes should not go beyond the limits imposed on voluntary organisations by Regulation 11 of the 1951 Regulations (see para. 5.2 above).

5.7 In January 1981 a report on Control and Discipline in Community Homes, by a DHSS Working Party chaired by Mr W B (now Sir William) Utting, recommended that the use of any form of corporal punishment in community homes should be prohibited. (It was finally prohibited in community and voluntary homes in February 1990, and in private children's homes in October 1991.)

6. Reviews of the cases of children in residential care

6.1 The duty to hold six monthly reviews of children's cases originally applied only to children who were boarded out with foster carers (Regulation 22 of the Boarding-Out of Children Regulations 1955). The Children and Young Persons Act 1969 (s.27(4)) introduced a new requirement (brought into force on 1 January 1971) to review the case of every child in care at six monthly intervals. No requirements were laid down as to how the review should be conducted or what it should consider, except that if the child was subject to a care order, the review was required to consider whether an application should be made to discharge it. Generally, local authorities applied their boarding-out review procedures. The section requires each review to be held as soon as practicable after the expiry of six months following the previous review.

6.2 A requirement to hold six-monthly reviews on children placed in private children's homes therefore applied from 1 January 1971.

7. The role of field social workers in relation to children in residential care

7.1 There were and are very few references in legislation to social workers. The Boarding-Out of Children Regulations 1955 referred to "visitors", and to their duties to visit the child, see the foster home and make reports. There have, however, never been any comparable Regulations requiring children in residential placements to be visited on behalf of their care authority, and to this day there is no statutory requirement for children in residential care to be on a caseload of, or to receive regular visits from, an officer not employed in the residential establishment. It has, however, been generally accepted practice that children in care (or looked after) should be allocated to and visited by a social worker, irrespective of their type of placement.

8. Local authorities' responsibilities concerning the ill-treatment and neglect of children

8.1 Throughout the period under review, local authorities have had what would now be called child protection responsibilities. The grounds on which local authorities could seek care or supervision orders for child protection purposes were set out in s.2 of the Children and Young Persons Act 1963. They were replaced by revised grounds in s.1 of the Children and Young Persons Act 1969, which was brought into force on 1 January 1971.

8.2 There was, however, in the first half of the period under review no system comparable with the present child protection system with its detailed Ministerial guidance on inter-agency planning and procedures. There were inter-agency committees and other standing arrangements for calling inter-agency case conferences, but these were not focused in the same way on children suffering or at risk of abuse. They were concerned with what were then described as "problem families" or "families with multiple problems". Central Government issued a circular on "battered babies" in 1972 and a circular on non-accidental injury to children in 1973. The origins of today's local child protection systems and arrangements, however, are probably best located in a further circular issued in April 1974, which asked local authorities to set up inter-agency area review

committees (the precursors of area child protection committees) to co-ordinate work relating to non-accidental injury to children. A further circular in November 1976 stressed the importance of the contribution of the police to child protection work. In August 1980 earlier guidance was consolidated and extended, and by that time it could be said that a recognisable system, based on a register of cases of physical injury, neglect and mental and emotional abuse, was beginning to emerge. It is important, however, to note that the system was overwhelmingly concerned with the abuse of children in their own homes. Procedures for investigating organised abuse, or abuse in residential establishments, were not developed until after the publication in 1986 of the first "Working Together" guidance.

9. The employment of staff in residential child care

- 9.1 There has never been any statutory requirement that people appointed to work in or take charge of a children's home should hold any specified qualification or undergo any specified training for the work, although recognised courses of training existed throughout the period 1964-86.
- 9.2 The 1957 Home Office Memorandum on the Conduct of Children's Homes (this guidance did not, it must be remembered, formally apply to private children's homes), recommended that conditions offered to staff should be such that they attract and keep high quality staff. Staff should be understanding and devoted to the children in their care, and should be temperamentally suited to maintain a balance in giving the child affection without being too possessive.
- 9.3 Home Office Circulars issued in October 1964 to local authorities and voluntary organisations stressed the importance of taking up references before appointing staff and asked local authorities to inform the Home Office of anyone they ceased to employ on work with children because of a criminal offence.
- 9.4 A Home Office report published in 1967 observed that "perhaps the greatest problem connected with children's homes is that of recruiting sufficient suitable staff, and having recruited them, to keep them".
- 9.5 In its 1979 triennial report (1976-78) on child care services, the DHSS noted that in the residential sector the proportion of qualified

staff remained low, and the following triennial report (covering 1979-1981) stated that less than 20% of care staff in residential homes held any qualification.

- 9.6 There is little evidence of national level discussion of staffing ratios in the early years, but in November 1969 a report "Residential Task in Child Care - The Castle Priory Report" was published by the Residential Child Care Association (report of a study group appointed by the RCCA, the Association of Child Care Officers and the Association of Children's Officers, with representatives also of tutors on residential child care courses). This report discussed in some detail and made recommendations about staff:child ratios related to the length of the working week and the type of establishment. The report was widely discussed at the time and was influential, although that is not to say that its recommendations were generally implemented. It did however lead to general acceptance of the need to specify a staff: child ratio to be achieved on the ground day by day and to calculate the number of staff which would need to be employed to achieve that ratio.

10. Complaints

- 10.1 There was no statutory complaints procedure in force in the period 1966-1986. From the mid 1970's, however, there was growing public discussion at a national level of the need for personal social services agencies to recognise clients' or service users' right to complain, and to put in place some kind of system or procedure for responding to complaints and, where appropriate, providing redress.
- 10.2 In 1976 the Personal Social Services Council published a discussion paper: Complaints Procedures in the Personal Social Services, which suggested that the right to complain and to redress of grievance should be recognised in the public sector.
- 10.3 In 1978 the Representative Body (which represented local authority associations in their relationship with the Commission for Local Administration or "local government ombudsman") published a Code of Practice for Local Government and Water Authorities for dealing with Queries and Complaints.
- 10.4 In 1980 the British Association of Social Workers observed, in a report entitled "Clients are Fellow Citizens", that current trends in

social welfare services seemed to be “moving towards a more formalised process for dealing with appeals and complaints”, and commented that “it might be held that social workers should be in the vanguard of any movement which extends the rights of clients to challenge what is or is not being provided for them”. The Barclay Report on social workers’ roles and tasks (1982), took the view, however, that “although social workers are frequently very active in helping their clients to obtain their full rights from other professions and agencies, they are often reluctant to accept in turn that the same considerations should apply to them”.

10.5 Progress was, however, very slow in the 1980s. A National Consumer Council survey in 1985 of SSD complaints procedures indicated that the majority had no formal procedure covering all areas of their work and that many had no formal or written procedures at all. In many authorities, many of the staff did not know if procedures existed. In 1987 a Sheffield University report on complaints procedures in local government described those in Social Services as “woefully inadequate”, although it did not suggest widespread dissatisfaction and indeed commented that local government’s handling of complaints compared favourably with other organisations’.

10.6 None of the reports and surveys mentioned above was specifically concerned with complaints made by children.

11. Aftercare

11.1 Two areas are dealt with under this heading: preparation for leaving care, and assistance to young people after they have left care.

11.2 The Children Act 1948 does not include any specific reference to preparation for leaving care, but the general duty to further the child’s best interests and to afford him or her opportunity for the proper development of his or her character and abilities would, on a reasonable interpretation, be taken to reflect an aim of equipping children for adult life. The Children Act 1975 amended this duty to one of giving first consideration to the need to safeguard and promote the child’s welfare throughout his (or her) childhood. Some lawyers expressed concern that the words “throughout his childhood” could be interpreted as a limitation, excluding the need to consider the child’s future welfare in adulthood. This point was

taken in the drafting of the Children Act 1989, which provides simply that “it shall be the duty of local authority looking after any child to safeguard and promote his welfare”, and omits the words “throughout his childhood”. In order to remove all doubt about the duty to prepare children for leaving care, the 1989 Act also provides that it shall be the duty of a local authority to advise, assist and befriend children whom they are looking after with a view to promoting their welfare when they cease to be so looked after. Thus, one may conclude that the duty to prepare children for leaving care was implicit in the law up to 1976, but that from 1976 to 1984 the law on this point was badly worded. Nevertheless, throughout the period under review, there was never any real doubt that local authorities should attempt to give children in care a good start in life with an eye to their future well-being. It is extremely unlikely that, either before or after the implementation of the Children Act 1975, any local authority would have faced any legal challenge to its powers to prepare children for leaving care.

- 11.3 Powers and duties to assist young people who had left care remained much the same throughout the period under review. They were initially set out in ss. 20 and 34 of the Children Act 1948 and s. 58 of the Children and Young Persons Act 1963, and were replaced without substantive alteration by ss. 27 to 29 of the consolidating Child Care Act 1980. The provisions were, in the main, permissive powers, the only duty being a duty to advise and befriend young people who, although they had left care, were still under 18 (unless satisfied that the young person’s welfare did not require it). There was a power, in respect of young people under 21 who had been in care on or after their 17th birthday, to visit, advise and befriend them and in exceptional circumstances to give them financial assistance. There was a power to give grant to people under 21 to meet education or training expenses, and this could continue after 21 until the completion of the course. Finally, there was a power to help people under 21 with accommodation and maintenance costs. People who had left care before reaching school leaving age were excluded from all these provisions. The duty towards under 18s was a duty on the authority where the young person was living, which was not necessarily the authority in whose care he or she had been. The power to visit and assist people who had been in care at age 17 was, on the other hand, vested in the care authority not the area authority. The section providing the remaining powers did not define the responsible authority, and it is

probable that either the care or the area authority could have exercised them, but they were generally taken to be a matter for the care authority.

12. The Assumption of Parental Rights

12.1 The enquiry report refers from time to time to the assumption by the Council of parental rights and powers, or parental rights and duties. Section 2 of the Children Act 1948 empowered local authorities to assume the rights and powers of parents with respect to children in care if:

the child's parents were dead and the child had no parent or guardian; or

if a parent or guardian suffered from a permanent disability which made her/him incapable of caring for the child; or

if a parent or guardian was "of such habits or mode of life as to be unfit to have the care of the child."

Most resolutions assuming parental rights were passed on the grounds of "habits or mode of life".

12.2 Parents could consent in advance to the loss of parental rights. If they did not, they had a right to object, which, if exercised, meant that the transfer of parental rights did not take effect unless the local authority successfully argued its case in court

12.3 The Children and Young Persons Act 1963 added new grounds on which parental rights might be assumed. These were: unfitness to care for the child by reason of mental disorder; and so persistently failing without reasonable cause to discharge parental obligations as to be unfit to care for the child. (Note that the child in question must already be in the voluntary care of the local authority, so that most parental obligations would already be being discharged by the local authority and not by the parent.)

12.4 The Children Act 1975 replaced 'parental rights and powers' by 'parental rights and duties' and added further new grounds for their assumption, most notably a provision allowing rights and duties to be assumed if the child had been in care throughout the last three years. (The other change sought to address problems which could arise when the local authority had assumed rights of only one of two

parents.) The “three year” ground was a significant change, since it required no demonstration of a parent’s incapability or unfitness.

- 12.5 The procedure for assuming parental rights and duties was discontinued by the Children Act 1989. The equivalent process now would be an application for care order in respect of a child accommodated by the local authority.

APPENDIX D

BARLAVINGTON MANOR CHRONOLGY

Date	Child arrives	Child leaves	Other events
1965			Barlavington Manor opened
1966	Child 1		
1967	Child 2		
1967	Child 3		
1968	Child 4		
1969	Children 5 & 6		
1969	Child 7		
1971		Children 5 & 6	
1972	Child 8		
1972	Children 9 & 10		
1973		Children 9 & 10	
1973	Children 11 & 12		
1974	Children 13, 14, 15 & 16		
1975	Child 17		
1976	Child 5		
1976	Child 18		
1976			Child 13 employed at Barlavington.
1978			Child 13 became 18 at Barlavington.
1978		Child 2	
1978		Child 13	
1978		Child 14	
1978		Child 17	
1979			Child 13 returned as an employee.
1979			Proprietors 1 & 2 moved to Rotherbridge Farm

			with children 1,3,7 & 8. Proprietor 3 assumed responsibility for Barlavington Manor.
1980	Child 19		
1980			Child 8 became a boarder at his school.
1981	Child 6		
1982		Child 8	
1982			Child 5 became 18 at Barlavington. Main building at Barlavington ceased to be used as a children's home. All remaining children accommodated in "The Lodge".
1982			Child 1 became 18 at Rotherbridge Farm. Child 7 became 18 at Rotherbridge Farm.
1982			
1983			
1983		Child 19	
1983		Child 4	
1983			Child 15 became 18 at Barlavington. Child 6 became 18 while still at Barlavington (although he had a live- in job elsewhere).
1983			Child 3 became 18 at Barlavington, having been moved back there from Rotherbridge Farm.
1984			
1984		Child 11	
1984			Barlavington Manor closed. Children 12,16 & 18 moved to Rotherbridge Farm. Children 1 and 3 moved

1985	Child 16	to a flat in Easebourne.
1987		Child 18 became 18 at Rotherbridge Farm.
1988	Child 12	
1988		Last maintenance payment by RBKC in respect of child 18 at Rotherbridge Farm.

Appendix E

REVIEWS OF CHILDREN DURING THEIR TIME AT BARLAVINGTON MANOR

Quarterly intervals

	1	2	3	4	5	6	7	8	11	12	13	14
1967	X		✓									
	X	✓	X									
1968	X	X	X									
	X	X	X									
1969	X	X	X									
	✓			X	✓	✓						
1970		✓	✓	X	✓	✓	✓					
	✓	✓	✓	✓	X	X	X					
1971	X	X	✓	X								
	X	✓		X			X					
1972	X	X	X	✓L			X					
	✓	X	X	X			X					
1973	X	X	X				X	X				
	X	X	X	✓			✓	X				
1974		✓	✓	X			X	✓				
	X	X	X	✓			✓	✓L	✓	✓		
	✓											
1975		✓L	✓				X	✓	✓	✓		
	✓L	X	X	✓L			X	X	✓	✓	✓L	✓L
1976												
	✓L	X	X				X	✓L	X	X	✓L	✓L

[illegible]

