

VARELA Patricia

From: Stacey Chambers <chambers.139@gmail.com>
Sent: 26 August 2018 10:20
To: Special Rapporteur On Extreme Poverty And Human Rights OHCHR
Subject: Submission on Issues Related to Poverty and Human Rights in the UK
Attachments: Stage 2 complaints - guidance for complaints - Cumbria County Council (3).pdf

Dear Special Rapporteur Professor Philip Alston,

I am a single mother on benefits. I am not a representative of an organisation or an academic, but I am part of the demographic that has been most affected by extreme poverty in the UK.

The problems I have encountered as a single mother in Cumbria are far too numerous to fit into 2,500 words but I will make a start with them.

Every day I worry that Children's Services and the police will forcibly take my child away from me. It almost happened before my child was born, and it happened to me in May of this year. I moved from London to Cumbria where the rent is more affordable. I moved when I was six months pregnant. In London I went to antenatal visits at University College Hospital. UCLH referred me to the department of Children and Families at Camden Council for children's early help services. When I told them I was about to move to Cumbria early help services in Camden referred me to Cumbria County Council's early help services. I called and emailed early help services in Cumbria multiple times, and they said that they were going to meet with me but they never showed up. When I transferred my antenatal care from UCLH to a midwife-led birth centre in Penrith the midwife refused to use my antenatal record from UCLH. At the time North Cumbria Universities Hospitals NHS Trust that oversees the birth centre was in special measures following a report by the NHS Medical Director for having some of the highest standard mortality rates in England. I complained about the midwife's refusal to use my antenatal record from UCLH, xenophobic comments she made, and the fact that the hospital did not at the time offer epidurals. Instead of offering me early help services Cumbria County Council made a child protection enquiry and held a child protection conference two months before my son was born. To this day it remains one of the most distressing situations I have ever been in. I was afraid the social worker would take my son away from me at birth, as happens sometimes in the UK. Journalists are prevented by law from reporting on what happens in the family court, and even though I learned at university how to distinguish credible sources of information from random personal stories on the internet, I could not stop. There are hundreds of pleas for help with social workers on forums on websites like Netmums and Family Rights Group, but there is so little legitimate information on actual cases. One article I read in the Telegraph states that a child was removed from her mother because her mother did not buy her an ice cream cone. I hired a family solicitor under the legal aid scheme, but the advice of the family solicitor was essentially, "Do everything Children's Services says." It is the same advice one gets when being robbed by someone who has a knife. Another problem I had with the family solicitor and Children's Services is that some of the reasons as to why my son was at risk of serious harm were false. They were provided by my former partner and the father of my child after I ended our relationship. The my former partner sent an email to the Child Protection social worker stating that I had not kept a job for more than six months in the past five years at least and that he was concerned that I did not have our baby's nursery ready. The Child Protection social worker did an assessment that stated my son's father said I had not kept a job for more than approximately six months since moving to the UK and that my son was at risk of harm due to neglect due to the lack of preparations I had made for the baby. A few months later a family worker did another assessment that stated I had not kept a job for more than six months and that there was no sense that I was eagerly anticipating my son's arrival. I tried to correct information in the first assessment at the Child Protection conference which is a conference where, in my experience, the social worker, the midwife, the mental health nurse, and the police all speak about you while you listen, and then when it is your turn, they all speak over you and then tell you they have

to leave because they have somewhere else to be. I brought a my CV to the Child Protection Conference. It contained details of my work experience such as that I had worked at a jewellery store in the USA for two years, then as a Law Clerk and a Paralegal law firm in the USA for three years, that I had worked as an Executive Assistant and a Paralegal in London during the first year I lived there, then in London as a Client Service Associate at a private wealth management company for nearly a year, as a Client Service Associate at a financial derivatives broker for a year, and as an Assistant Manager of Operations at EBRD for nearly a year. I gave a copy of my CV to everyone at the conference. The police officer told me it was irrelevant despite the fact that the assessment that led to the conference identified my employment history as a risk. The minutes of the Child Protection Conference say it was felt what I had to say [about my work experience] was irrelevant to the conference. So I made a formal complaint about the assessments and I included copies of an employment reference from Robert Half Financial and Accounting who recruited me for the job at EBRD, as well as an email I sent to my doctor confirming that I had got a flu vaccine from a private doctor at EBRD and was about to get my pertussis (whooping cough) vaccine. I also sent in receipts for baby clothes I bought from the GAP when I was eight weeks pregnant, and a copy of a receipt from Morrison's showing that I purchased five packs of newborn nappies, fruit, and vegetables when I was six months pregnant. Cumbria County Council refused to delete the information that I had not kept a job for more than six months and the statement that there was no sense that I was eagerly awaiting my son's arrival from their assessments. They also informed me that no verbatim record of the Child Protection Conference was available. I attempted to escalate my complaint to Step 2 of their complaints procedure, but this is where I believe human rights violations really come into play. The council, including the complaints manager refused to consider my written complaint. I attach a copy of Cumbria County Council Children's Services Step 2 Complaints procedure. It requires that I give my complaint orally to an Independent Reviewing Officer and the IRO will draft a "consolidated" complaint for me. Cumbria County Council confirmed that the IRO is employed on a contract and receives her salary from the council. Essentially the person who investigates the Council's social workers is an employee of the council and according to their policy she must draft my complaint for me. I contacted my family lawyer at Atkinson Ritson, a firm that is well known in Cumbrian family court, but my solicitor refused to help me correct errors in the council's assessments. So I contacted every single family law firm I could think of. I spoke to about 50 law firms. They all told me the same thing. One local solicitor said, "I'll have to ask and get back to you, I don't want to cause controversy." Family solicitors who accept legal aid will not help me complaint about a council's children's services department. The Local Government Ombudsman and Liberty Human Rights both informed me that I had to follow the council's Step 2 policy. I contacted a public law firm Deighton Pierce Glynn and they referred me to Coram Children's Legal Centre. I contacted Coram Children's Legal Centre and complained about Cumbria County Council's Complaints procedure. The person I spoke to told me I needed to escalate my complaint. I told him that I knew how to escalate my complaint and that I was familiar with the process. He told me, "That's very arrogant." I told him that I believed the Step 2 complaints policy violated my human rights. He told me, "**Human rights don't matter. The United Nations doesn't matter.**" I spoke to defamation solicitors, a public law solicitors, and a family solicitors, none would take my case. I wrote to my MP, Rory Stewart. He referred me to my local Citizen's Advice Bureau, who told me Rory fobbed me off, then fobbed me of themselves. When I insisted that the CAB's website said there was another legal avenue aside from the council's complaints procedure the manager cut me off said it was not an option but would not explain why, and said he refused to advocate for me. Then an advisor decided to use my son as a way to get me to leave: she pushed my son in his pushchair out the door and said goodbye. She never asked me for permission to push my son out of the room, and I had to follow her out the door. I complained to the CEO of my local Citizen's Advice, Andy Auld. He met with me in person, told me the CAB only receives £18,000 a year from the government, and that most of the advisers are volunteers. He did offer to set up an appointment with a retired family solicitor who told me I had to use the council's Step 2 complaints procedure and at the end of the meeting he told me to give the toy I brought with me from home for my son to play with back to him. I had to insist two times that the toy belonged to me. He kept arguing with me that it was property of the CAB. He assumed that I was stealing from them. Andy, the CEO never replied to my complaint about the manager not helping me with the alternative process and the advisor who pushed my son out the door without my permission. I called and sent emails to Citizen's Advice but he still never replied. The CEO informed me that the CAB's are independent from each other and therefore I

could not complain to the organisation, because there is no central head office. Finally I called Camden Citizen's advice and they said the only thing I could do was write to my MP and complain that the CEO of my local CAB never responded to my complaint in writing. Only two good things that came out of the advice from my MP to contact the CAB and my Cumbria Law Centre. The first is that although Cumbria Law Centre refused to help me complain about Cumbria County Council Children's Services Step 2 complaints policy, they did provide me with details of Civil Legal Advice, an organisation that I have found invaluable since becoming a single mother on benefits. Civil legal advice put me through to Howell's solicitors who did not help me complain about the Step 2 complaints policy, but they did open up a discrimination complaint related to the assessments themselves. I complained that the social worker made enquires about me, but they did not make enquires about my former partner. For example I told the social worker I had concerns about my former partner's mental health, but they did not assess him, and I stated that my son's father was also responsible for the alleged neglect as our son had not been born at the time of the assessment and we were living in the same house. I felt the social worker treated me differently than my male former partner because she expected me to make preparations for the baby but she did not expect my male former partner to make preparations for the baby. I sent my documents to a Paralegal at Howells and she opened a case for me. Then I received an email stating that she no longer worked there and a new paralegal told me that since I was the primary caregiver for my child Children's Services did not need to assess my former partner. I complained that at the time my assessment was written neither of us were caregivers as my child had not yet been born. The firm ignored this argument. The new paralegal told me that I would need to find a man who was in my same situation, a single father and primary caregiver in order to prove that Children's Services treated me differently from my partner. I complained that according to Gingerbread, the single parents charity, 90% of single parents are women. The Family Rights Group has reported that social workers are not assessing fathers adequately, but what are my chances of bringing about any change to the assessment process when I need to find one of 10% of single parents to compare myself to and there are confidentiality laws to be mindful of? I complained about all of this to the Legal Ombudsman but they found that, "As the firm explained in their letters of 14 and 22 March, Ms Chambers could not identify such a comparator and she would struggle to show the reason the local authority inaccurately reflected the incident in their assessment was because of her sex. Given the difficulties meeting the legal test, Ms Chambers' concerns would be better dealt with as a formal complaint rather than a discrimination claim. That was the end of my discrimination case against Cumbria County Council, but I did find Civil Legal Advice to be useful in a different, unrelated discrimination case. The second good thing to come out of the referral by my MP to Citizen's Advice was that my son was playing with leaflets in the waiting room and I saw a leaflet about barristers and bar pro bono work. I contacted a barrister at 1 Garden Court, a firm that specialises in family law and human rights. I paid £90 for a telephone consultation and the barrister agreed that the council's Step 2 policy was unlawful and told me about a process called Judicial Review. Finally, I had someone willing to take on the council! Then she told me her hourly rate was £300 per hour. I am on benefits. I receive two payments of £130 every two weeks, one payment of £83 every four weeks, one payment of £256 pounds every four weeks, one payment of £430 every four weeks, and a child maintenance payment of £41 pounds every four weeks. I desperately want this barrister to help me, but I genuinely cannot afford it. The bar pro bono unit requires a local law centre or the CAB to refer me, but they have refused to help me on so many occasions in the past.

I have much more to say.

Thank you for your time and for visiting the UK.

Sincerely,

Stacey Chambers
Penrith, Cumbria