

The Suspected Inflicted Head Injury Service (SIHIS) pilot

What should I do as a parent if my case is referred to the Suspected Inflicted Head Injury Service (SIHIS)?

You should contact Max Konarek and Ryan Booth immediately at GT Stewart Solicitors so that we can legally represent you. Max and Ryan are working closely with other senior legal professionals around the very serious concerns about the SIHIS and these concerns can be tackled. We can provide specialist advice on the next steps required.

What official information has been provided about the Suspected Inflicted Head Injury Service (SIHIS)?

The Department for Education has issued the following document – [download here](#)

What is the Suspected Inflicted Head Injury Service (SIHIS)?

The SIHIS will create a referral system for the assessment of a child with a suspected abusive head injury. At each pilot 'hub' there will be clinicians from all key disciplines involved in the assessment of the head injury (paediatricians, neuro-radiologists, haematologists and other disciplines). At the end of the assessment process a single report will be produced. This report will be used as part of the court proceedings process.

What age children will be referred to the Suspected Inflicted Head Injury Service (SIHIS)?

The pilot will cover children aged between 0 to 8 years old.

Where is the Suspected Inflicted Head Injury Service (SIHIS) currently running?

There are three pilot schemes now up and running under the Manchester University NHS Foundation Trust, Birmingham Children's Hospital and Sheffield Children's NHS Foundation Trust. Therefore court proceedings arising under these NHS Trusts will be referred to the SIHIS.

How long are the current Suspected Inflicted Head Injury Service (SIHIS) pilots running for?

The pilots will end on 31 March 2025.

Why are senior family lawyers raising concerns about the implementation of the Suspected Inflicted Head Injury Service (SIHIS)?

To date there has been no consultation by the Department of Education with any legal or medical professional bodies prior to the implementation of the pilots. This is a crucial missed step given it is these very professionals that will be able to provide a fair and balanced view on proposals.

Consultation would have also ensured that concerns do not arise around the breach of a parent or child's Article 6 Rights (Right to a Fair Trial) and Article 8 Rights (Right to Family Life). These concerns will no doubt have to now be remedied as and when they arise through the Court's appeal process.

What are the particular concerns raised by senior family lawyers about the premise of the Suspected Inflicted Head Injury Service (SIHIS)?

A family case involving a head injury which is believed to be non-accidental are some of the most serious and complex cases heard in the family justice system. The SIHIS therefore raises a number of very serious concerns, summarised as follows:

1. Clinical opinions can differ from opinions expressed by court appointment experts.
2. Differences of opinion between experts and /or treating clinicians often only come to light during the cross-examination process at Court.
3. Science and medical opinion behind intracranial bleeding remains a highly debated area amongst medical professionals.
4. Experts instructed can take a different approach to reaching the opinions expressed in their reports, basing opinions on a mixture of theory, clinical experience and research papers.
5. Court appointed experts have the benefit of reading all the Court papers and all medical records. The treating medical clinicians and therefore any clinician part of the SIHIS will not. The papers available in the court process are highly relevant and may identify the need for other medical experts to be instructed (e.g. a Geneticist) or even a relevant differential diagnosis that was not apparent to the treating medical clinician. Anyone accused of causing a non-accidental injury will have to produce a statement for the Court. The statement allows the person accused to set out a chronology of events that have arisen, possible explanations, any relevant diagnosed and undiagnosed medical history. This can be a lengthy document produced with the assistance of a skilled family lawyer who is able to eke out the details, making the information as clear as possible for any expert and other professionals to read. These documents are a result of a number of appointments with the client, and it often takes tens of hours to produce. This process cannot be replicated in any way shape or form under the DfE proposals. A lack of detail will result in unsafe opinions being expressed, leading to reliance placed on these reports by the Court.
6. The experts instructed in family proceedings are independent. The parties in a court case will also have an opportunity to voice any concerns about the instruction of a particular expert (and where necessary the Court will determine any disagreement). The parties will also have a joint input into the detail of instructions provided to the expert.
7. Often a case against someone accused of causing a non-accidental injury seems on paper to be heavily against them. It is only during the cross-examination process by specialist and skilled lawyers, do the gaps appear resulting in the Court naming no findings.

8. There is a very real risk of a miscarriage of justice where the Court has to make a decision a child cannot return to the care of their parent(s). Depending on the child's age that could ultimately result in the child being adopted outside of the family.

Disclaimer: The material contained in this fact sheet is for general guidance only. It is specific to the law of England and Wales and represents a brief outline of the law current as at the date of the fact sheet. It is not intended to constitute, or to be a substitute for, legal advice specific to your case.

Information up to date as at 29 June 2024