

FJYPB HIGHLIGHTS

UPDATE REPORT – MAY 2021



SOME OF OUR ACHIEVEMENTS



FJYPB Apprentice - We are very proud to say that Luba joined our support team in February as the new FJYPB Apprentice. This additional capacity to our support team will enable us to undertake more commissions and widen our span of influence on behalf of children and young people in the family courts.

FJYPB Website - Following the confirmation to fund our website at the previous Board meeting we have been working with Cafcass Comms to submit our business case for Cabinet Office approval. MP Vicky Ford and Lord David Wolfson of Tredegar QC have written a letter in support of this to be presented with the business case.

VOTC Webinars – Following the success of our 2020 VOTC Live Webinars, we hosted 2 further webinars in March 2021 on domestic abuse and the impact on children and young people in family law proceedings.

E-learning - We are producing an online E-Learning resource for Cafcass staff which will focus on the impact and effects of domestic abuse on children and young people in family law proceedings. We will be launching this in June for all agencies. We are also producing a specific E-learning module for business services staff.

FJYPB Priorities for 2021

To continue to promote the uniqueness of every child and young person in family law proceedings, to challenge professionals to respect and act on this and to ensure children and young people are included in the key decisions made about their lives. To develop an Equality, Diversity and Inclusion National Charter.

To continue to raise the awareness of the impact domestic abuse has on children and young people in family law proceedings and how professionals can best respond to this. To develop a Domestic Abuse National Charter.

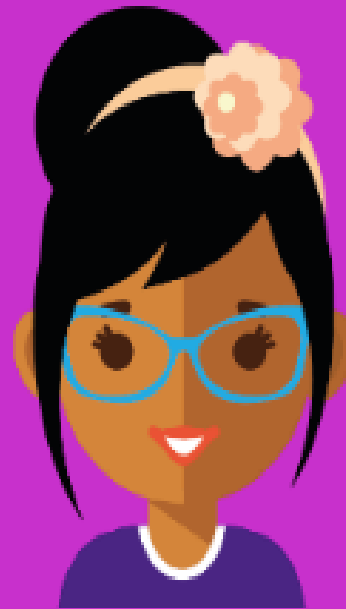
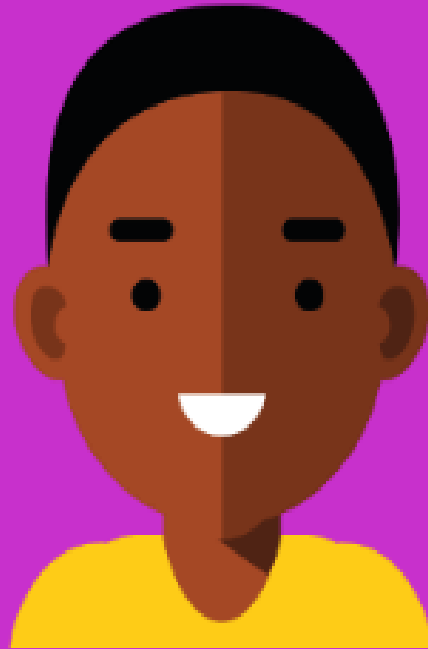
To continue to work with agencies to secure appropriate outcome letters for children and young people at the end of their proceedings.



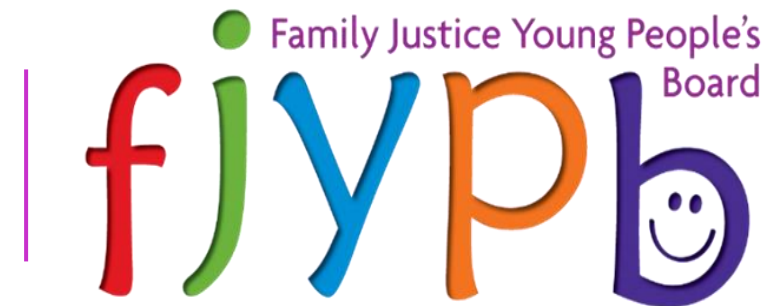
To work with local authorities to further promote the voice of the child in care proceedings including children and young people having a voice in and having sight of reports that are making life changing recommendations to family courts.

To continue to work with the Department for Education to seek opportunities to share good practice across schools and advice on how teachers can appropriately support children and young people involved in family law proceedings and family breakdown.

To raise the profile of the FJYPB by developing our own website and use of social media to share our key messages.



Views on transparency in the family courts



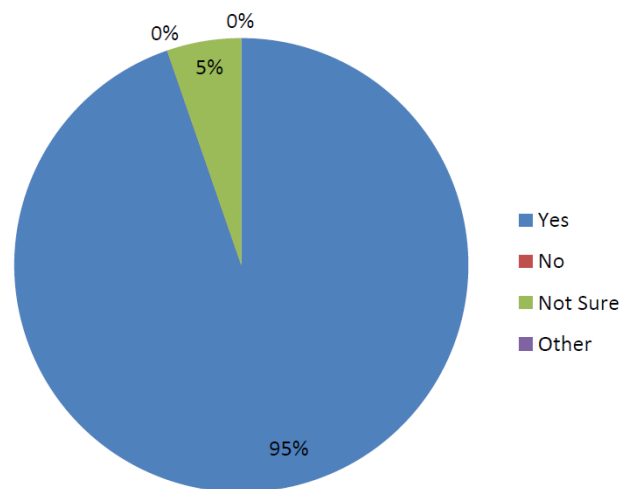
The FJYPB were invited to meet with Sir Andrew McFarlane, President of the Family division and members of his advisory panel to put forward our views on Transparency in the family courts.

- The FJYPB have been invested in this review since its initial call for evidence in 2014.
- The members have been consulted on their views and we have submitted our formal response to the President of the Family Division in 2015 and again in 2020.
- In order to offer up to date views we undertook a survey recently with our members to gain their views and we will share with you are results and any key themes which remain consistent since 2015.

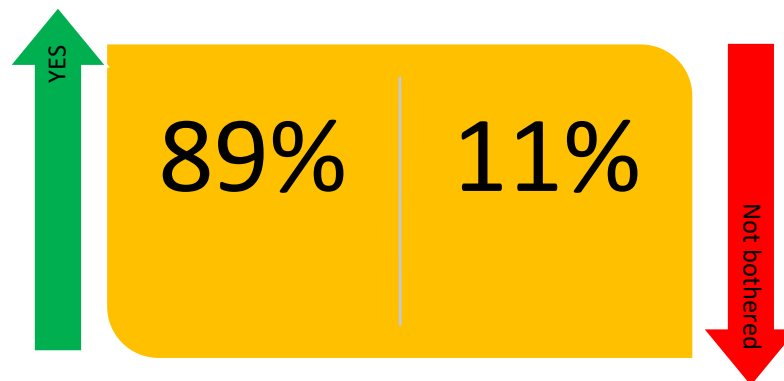


Members were asked:

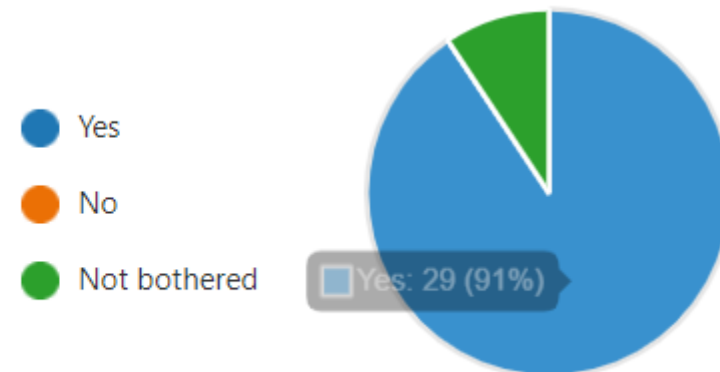
- *Would you want to be asked before a judgment about you was published? This includes anonymous (no names) judgments too ?*



2015 = 95%



2020 = 89% YES



2021 = 91% YES



*Consistently we have **strongly** expressed that we would wish to be consulted before a judgement about **our** life is to be published.*

Members were asked:

- **At what point in your case would you want to be told that the information you share could be made public?**

Year	Before the first court hearing	In the middle of the case	Before the final court hearing	After the final court hearing
2015	43%	14%	18%	25%
2020	69%	5%	5%	21%
2021	72%	3%	6%	19%



*Although there has been some variation during each response, we have continued to express that we would want to know **Before the first hearing***

Members were asked:

- **How would you feel if a case was published about you even though it did not include your real name or personal details?**

"Violated. Although my personal details aren't known by the public, the fact that anyone can access and review the documents makes me feel that my personal and family life is invaded. I can easily search up the High Court case online, and I think it should be kept safer, and more private".

"Upset, if I hadn't been made aware because it is personal and could be very emotional information".

"If there was identifiable information, I would not want it to be published. I understand that it may benefit further cases in the future, but I would like my right to privacy".

"I'd feel like I couldn't trust the family justice system".

I would feel really exposed as although I had lost my privacy



Members were asked:

- **How would you feel if your friends or people in the area where you lived could read about your case?**

I think it would depend how identifiable it made me, because even with retracted names and changing information, friends may be aware roughly of the situation and being able to see it all would make me feel uncomfortable.

I think I would feel a bit worried about what people would think or say about me. I haven't told them for a reason.

Anxious, distressed, upset and vulnerable because it would strip me of my confidentiality and privacy.

I would feel proud because not many people go through court and I would like to see others opinions on it.

Providing I have given consent for the case to be published, then absolutely fine.

Need to be consulted first always. If it will cause more harm then it shouldn't be published.

Scared and humiliated.

Anxious that people would figure out it is me.

Members were asked:

- **Would you still want to give and express your needs, wishes and feelings if there was a possibility that they were read out in court and included in the published judgments?**

The majority of members said **YES**

"I think I would still want to give and express my wishes and feelings because I know the impact it would make on the case. However, there is a chance that I might reconsider the way I would re-phrase my words, and make my wishes and feelings less descriptive, so that it would feel less personal".

If I were to know they would be published for the public to view then I may feel more reluctant.

No, if I thought I would hurt my parents by telling the truth and thought that they could hear my exact words rather than a transliteration I would not tell the truth. Ideally I would be happy for the judge to read my words and then a version of it to be told to my parents.

Yes at the end of the day my welfare and interests should be of paramount importance. My views need to be heard.

Members were asked:

- Do you think that members of the public should be able to sit in the court room on family cases?

2015 – 63%

2020 – 79%

2021 – 91%

No!

Members were asked:

- **What things do you think could be done to achieve either greater openness in family courts or more confidentiality?**



I don't think that it would be beneficial for greater openness from the child's perspective because if friends and wider family make links with publications etc. It could make the child feel like they have no break, nowhere to just be a child if everyone knows their situation

Maybe general statistics on a weeks worth of family court proceedings to look at if repeat applications or a child's voice was heard etc, and pull out key themes from a number of cases.



Perhaps giving data out about the types of cases and anonymised details vague enough that they cannot be linked to an individual. Children should never be put in the position where anyone could look up their case by their name and get all of their private information, they will just not tell the truth if they are aware of this and if not it is a breach of privacy that will make them feel betrayed.

In my opinion, Family courts should be more confidential because the public will make up their own opinions and also people might not want their family information to be published.



Summary



- Overall there is a high level of opposition from the FJYPB members on the concept of transparency in the family courts. One of the most significant concerns from the board relate to being identified in the media, their friends and local community. Members would like to be fully informed at the start of proceedings that their case may be made public. Members also expressed that knowing this may affect how they express their wishes and feelings.
- FJYPB members expect that the media is likely to publicise the more graphic or complex cases where the child may have been subject to some form of abuse. By making this publicly known would be at the detriment to the child (as expressed by FJYPB members).

The Board would like to ask people to consider the impact of transparency on children and young people and how it would feel to have some of the most personal and private details of one's life published in the media, through no fault of the child or young person involved.



TRANSPARENCY REVIEW



The key points we raised included:

- Long lasting implications of publishing a judgement if a family are identified.
- With the use of social media and the internet it could have an impact on a child's wellbeing, future employment prospects and relationships.
- It might stop a child giving significant information relevant to their safety.
- Family courts are not the same as criminal courts – children are not criminals. They are innocent victims in this process.
- Transparency in family courts is about parental rights and not children's rights and not in keeping with the safety of the child being a paramount consideration.



Members said they felt their views were listened to and valued by the panel and we look forward to hearing the Presidents views in the coming months.

SOME MESSAGES WE SHARED WITH OFSTED...

- ❑ We were asked about and so shared examples of how practice has improved over the years. For example, newer board members know they can write a letter to a judge, knowing what is happening on cases, welcome and outcome letters. There has been a greater opportunity to give feedback.
- ❑ We were asked specifically about domestic abuse and how we have been involved. We were able to talk about some of the work we have done around this representing the voice of children and young people e.g. through audits, the Learning and Development board and training.
- ❑ We spoke about the impact of COVID-19 on the board. We have been able to be more involved in Cafcass work because we are not having to travel and using Microsoft Teams has made this easier.
- ❑ We spoke about Cafcass' response to COVID-19 and how you have really responded to the guide for working with children and young people virtually that we produced. This has been evidenced when speaking to FCA's who have shared their practice about meeting with a child virtually. Cafcass remained highly committed to seeking input from FJYPB and COVID-19 has not impacted on this.

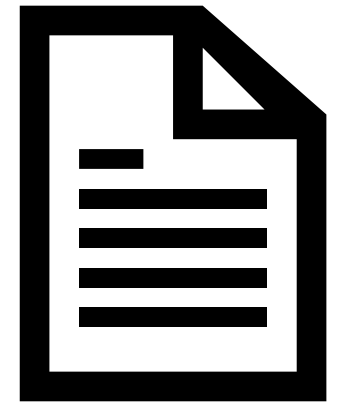
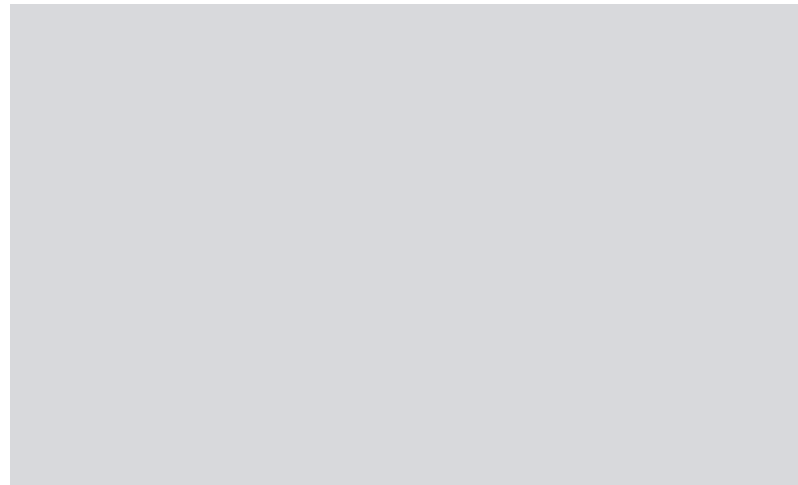
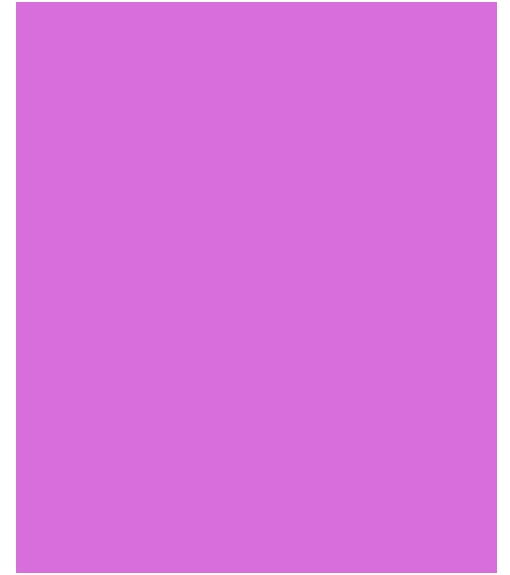
OFSTED CONTINUED...

- We spoke about children and young people experiencing a postcode lottery for support from external services and charities. This is linked to FCA's not all being aware of local and national support services for children and young people to enable them to offer advice for when the proceedings ended. We are currently looking at how we can take this forward.
- When talking about Equality, Diversity and Inclusion we spoke about our Top Tips and meeting with Cafcass staff to discuss the needs of children and young people. We identified that some staff can struggle to ask the difficult questions and that we are working with Cafcass to produce some training/E-Learning.
- We talked about language and how Jacky has encouraged us to think about the words and terms they would like to see changed. We have since produced a 'Mind your Language' document and attended a Leadership Live event to encourage FCA's to think about the language they use when talking to and about children and young people. Cafcass staff have also come forward to join our Jargon Buster team to carry this work forward in all areas.

SUBJECT ACCESS REQUESTS

FJYPB members Katie and Ellie have identified that Cafcass need to do better on Subject Access Requests (SARs) for children and young people and also what information is given to children and young people about SARs. Katie and Ellie have led this piece of work involving other board members and Cafcass legal and have written to Jacky regarding this.

They are also creating a 'How to' guide resource for other children and young people to use when making a request.



UPCOMING WORK

- Social Work England

- Cafcass Recruitment

- Principal Social Workers

- Podcasts

2021 – FJYPB 10 YEAR ANNIVERSARY

This year we will be celebrating the FJYPB's 10th birthday! We will be celebrating throughout August and September with exciting plans including:

- ❖ A celebration event in person for current and previous board members
- ❖ Promoting the FJYPB and its achievements via Cafcass comms and looking at what we want to achieve in the future
- ❖ An FJYPB video including our favourite highlights over the last 10 years and messages from our stakeholders on our work and impact.



TODAY'S KEY CHALLENGES FROM FJYPB TO THE CAFCASS BOARD:

1. If we go into lockdown again how will Cafcass prioritise direct work in person with children and young people without compromising the risk of transmitting Covid for those involved?
2. The FJYPB are keen to understand how FCAs explore the options of remote/in person work with children and young people going forward. How do Cafcass ensure that a child doesn't feel pressurised to agree to remote meetings if they would prefer a visit in person?
2. We are aware that throughout the pandemic practice supervisors are holding cases which reduces management oversight and support to staff. This is also impacted on by reduced communication within teams from working from home. How are Cafcass planning to recover moving forward?

CONTACT US

We would love to hear from you! To get in touch with us please email FJYPB@cafcass.gov.uk

