



**Response of the Family Justice Young People's Board (FJYPB)
to the Draft Guidance on Transparency in the Family Courts
issued on 12th July 2013 by the President of the Family Division**

Background

1. This response is made by the Family Justice Young People's Board which is the representative board for young people with experience of the family justice system or a concern for the voice of the child in the family courts. The Board consists of 40 young people aged 7 to 25, all of whom have had an opportunity to respond to the Guidance.
2. We have previously discussed this matter with the former Family Justice Minister Bridget Prentice MP and the Society of Editors in 2009 regarding the guidance of the former President of the Family Division, Sir Mark Potter

Summary of Key Concerns

3. The FJYPB fully understand that the Guidance does not change the law regarding the publication of judgements of the family courts, but rather that practice is likely to change as a result.
4. It is felt the guidance does not take Article 12 of the UN Convention of the Rights of the Child into account. We would have liked to have seen an emphasis on the implications this guidance will have on the voice of the child or more specifically *'the right of the child to be heard'*.
5. The Board feels that full and due consideration has not been given on the impact this may have on children and young people, whom, in any event, must be kept informed about their rights. It is unclear what would happen in a situation where a child refuses to express their needs, wishes and feelings due to this potentially being made public, albeit anonymously. Many young people on the Board believe they would feel very uncomfortable sharing such sensitive information knowing it will no longer be kept private. We question thusly how a court could make important decisions affecting the future welfare of the child when the child may have refused to express their needs, wishes and feelings openly and honestly.

6. One member of the Board goes as far as to say: *'I would feel under pressure; uncomfortable and like my life is being broad-casted to the world which would make me feel insecure.'*
7. We are living in a world where information is now shared and stored more effectively than ever before. If information is available online there is a danger this could be found and in small communities (more on which will be returned to below) shared with ease despite redaction of names etc. This, we contend, will be even more of a risk if certain court documents are made public too. We plan on responding to the President's further Guidance to this effect.
8. It is not clear if young people will be informed that judgements will be published. We firmly believe that children and young people must be informed from the beginning about the fact that a judgement may be given publically and subsequently reported on and as such we would urge the President to make this a requirement for all practitioners engaging with children and young people.
9. The FJYPB does not feel content with how the anonymity of the child will be protected in small areas and communities. Going to court in some cultures and religions is shameful in itself – thus it is felt this guidance does not take into account how sensitive this issue is for these communities. We would urge the President to reconsider this especially in light of recent 'honour killings' in some communities.

Conclusion

10. The FJYPB fully acknowledge, understand and concur with President's desire for more robust scrutiny of judicial decisions in the family court, through changing the rules and practice regarding transparency. We hope, however, that the President does not lose sight of the child at the centre of each of these proceedings and how they may fear the adverse reactions of routine publication of judgements of the family court.

Usman Ali
Response on behalf of the
Family Justice Young People's Board

02/10/2013