

What the Family Justice Review Recommended

A note for children and young people



November 2011

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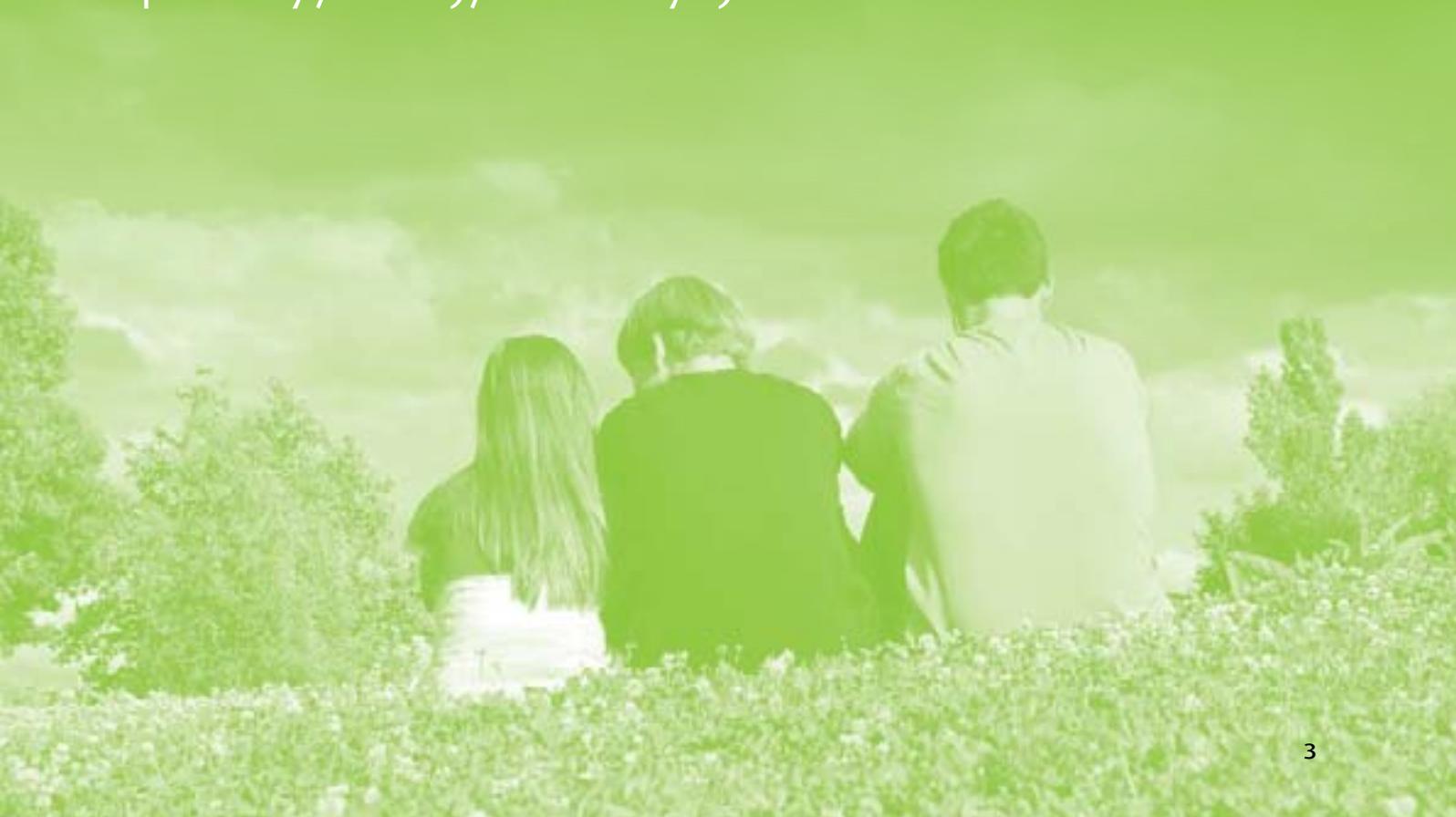
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Family Justice Review Panel.

November 2011

The final recommendations

This is a summary for children and young people of the main recommendations of the Family Justice Review Panel.

You can look at all the recommendations in full on this link:
www.justice.gov.uk/publications/policy/moj/family-justice-review.htm



A new Family Justice Service

The family justice system is made up of judges, social workers, lawyers and other professionals in England and Wales. Its job is to help children, young people and adults deal with the family problems that they face that mean they have to go to court or get other help. This might mean asking the court to decide if a child needs to go into care to keep that child safe, or to decide what should happen when parents split up.

The Family Justice Review panel thought that the system is not working at its best to help the people it is supposed to. They suggested changes that they hope will improve the system. This should mean children, young people and adults have a better experience when they need help.

The main change they suggested was to form a new group of people who would focus on improving the system. This would be called the Family Justice Service and would run all the different parts of family justice in England and Wales. The Family Justice Service would make sure that helping children and young people would be everyone's top priority. They would ensure that children and young people's voices are heard both in and out of court.

You said:

Children need more say in decisions that affect them. More meetings should be held where children or young people feel able to have their say. A child should have the choice to speak for themselves if they want to. Courts need to consider what's in the child's best interests – they should talk to the child directly to find this out and to ask what the child wishes. They should put the child first. They should give top priority to a child's safety and welfare at home. Children should be given a set of choices on how they want to have their say.

The panel is recommending:

The creation of a new organisation to make the system work better. This would be called the Family Justice Service and it would make sure that helping children and young people would be everyone's top priority. It would also ensure that children and young people's voices are heard both in and out of court.

There should be a Family Justice Service Young People's Board to advise the new service in the same way that the Cafcass Young People's Board advises Cafcass now.

Children and young people should be given information that is right for their age to explain what is happening when they are involved in cases. They should, as soon as possible, be helped to give their views. Older children and young people should be offered a range of choices on how they can give their views to those individuals that are deciding on their future. This should include speaking to a judge if they want to.



Making courts work better

Sometimes, when children, young people and adults go to court they find it confusing and frightening. They may see different judges each time they go to court who may talk to them in a way they don't understand. Judges also don't get very much information about what happens to children after they make decisions in cases.

The panel thought that judges are really important people in the system, but they need help to do their job better. The panel also thought that changes are needed to make courts less frightening and easier to understand. Families should see the same judge throughout their case so that they can build a relationship with them and be sure that the judge knows all about their case.

You said:

Judges should get more training – before they work with children they should know how to get to know, understand and communicate well with a child

The panel is recommending:

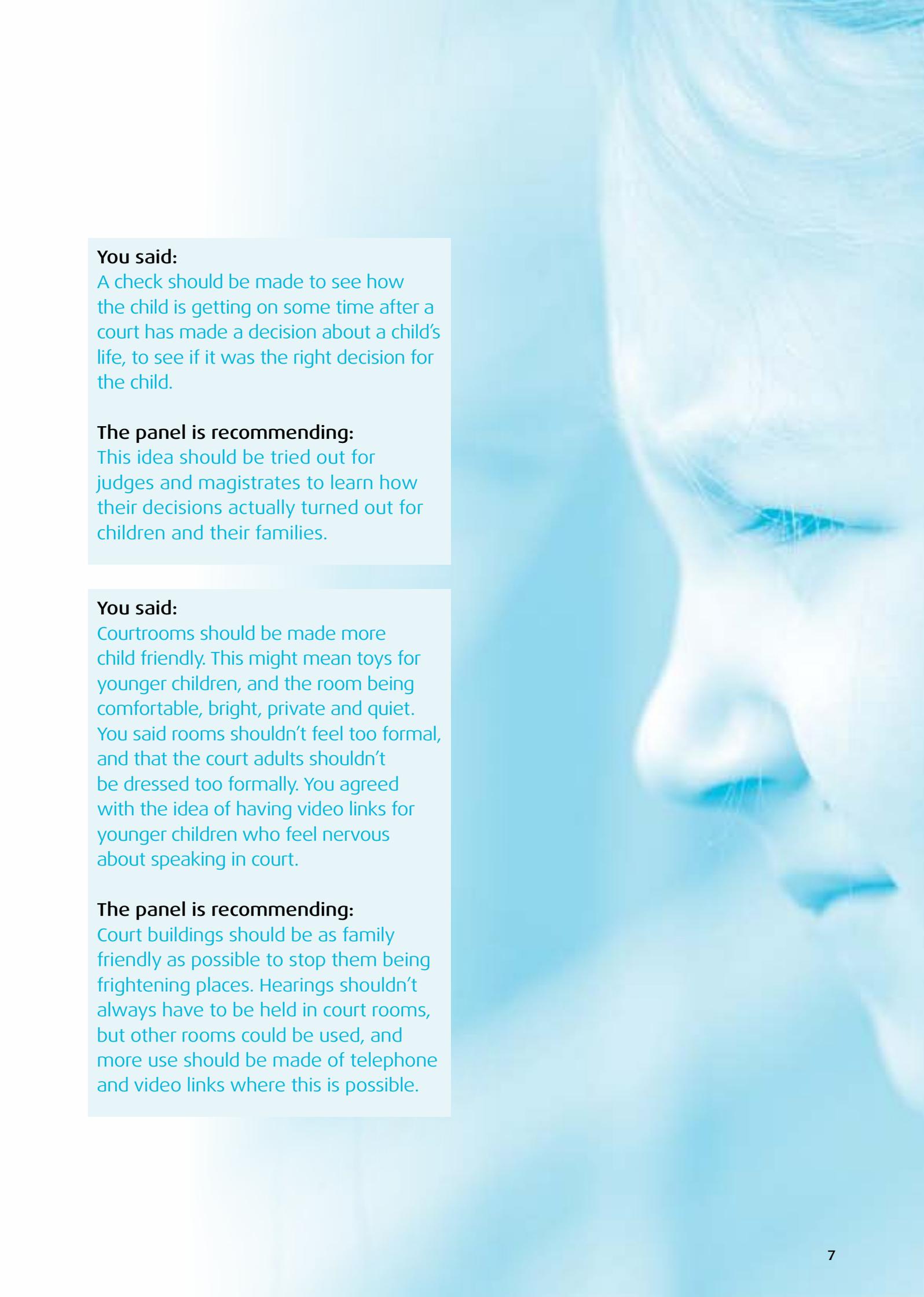
The new Family Justice Service should set up new standards and guidelines on working with children and young people in the family justice system. There should be special training for judges, magistrates and other people working in the family justice system on the needs of the children of different ages and on managing cases in the best way for children and young people.

You said:

The same judge or magistrate should hear all stages of a case.

The panel is recommending:

Wherever possible the same judge or magistrates should hear all stages of a case.



You said:

A check should be made to see how the child is getting on some time after a court has made a decision about a child's life, to see if it was the right decision for the child.

The panel is recommending:

This idea should be tried out for judges and magistrates to learn how their decisions actually turned out for children and their families.

You said:

Courtrooms should be made more child friendly. This might mean toys for younger children, and the room being comfortable, bright, private and quiet. You said rooms shouldn't feel too formal, and that the court adults shouldn't be dressed too formally. You agreed with the idea of having video links for younger children who feel nervous about speaking in court.

The panel is recommending:

Court buildings should be as family friendly as possible to stop them being frightening places. Hearings shouldn't always have to be held in court rooms, but other rooms could be used, and more use should be made of telephone and video links where this is possible.

When children are removed from home

Sometimes parents aren't always able to care for their children as well as they should. This might be harmful for the children. To protect these children it might be necessary to remove the children from their parents to keep them safe. Because this is such an important decision the courts are asked if this should happen or not and they want to be sure that they get it right. But this means they take a very long time to decide. On average the courts take over a year to decide whether children should be removed from their families.

The panel think this is far too long. For many children this is a worrying time when they don't know where they are going to live and who they are going to live with. The panel want to see decisions made more quickly so children can get on with their lives.

The panel also think that the different professionals who work in the system need to work better together to make sure that things work quickly and efficiently.

If the children do have to be removed from home they will either be looked after by the local authority or they might go and live with another member of the family or a friend.

It is very important that this is planned properly but the panel think that sometimes courts take too long looking at these plans. The panel think it is better for local authorities, rather than courts, to draw

up plans about how children should be looked after if a court has decided they need to leave home. Local authorities need to work with children and their families when making these plans.

You said:

Most of you said that six months is too long a time for a case to take.

The panel is recommending:

The panel decided that it did need to allow up to six months for a case to be finished – but because of your views it has recommended that the timetable for each case should take into account what the best timing is for each child. It also decided that there should be much more checking up on how cases are being managed. Judges and other people working with children in family justice cases should get more training in what matters to children. To try to speed things up as much as possible, the panel recommends that there should in future be just the one sort of Family Court (instead of the three different levels of court that there are now). Calling expert witnesses into cases can slow things down, so the panel is also recommending that expert witnesses should only be called in when they really are needed.

It also thinks that the courts should listen more to social workers when deciding what happens to children.

The panel also thinks that more work should be done on sorting family problems out in other ways, rather than going to court. These are: family group conference meetings, mediation (where families are given help to sort out disagreements for themselves), information sessions for parents, and special courts for drug and alcohol problems in families.

You said:

You don't see Independent Reviewing Officers as people you would go to to sort out disagreements between yourselves and the council looking after you. You wanted Independent Reviewing Officers to get care plans changed if the child or young person wasn't happy with them.

The panel is recommending:

Local councils should review how their Independent Reviewing Officer service is working and make sure it is working the way it should be. They should make sure they are following the government's guidance about how many cases each Independent Reviewing Officer should have. There should be a regular report from Independent Reviewing Officers to the Director of Children's Services and the leading councillor for children's social care services in each Council area on how they think the Council is doing in looking after its children in care.

You said:

Courts should decide if the child should stay at home if a local authority is worried about their welfare. But children should have a big say in this, and social services should have a say too. You were worried that judges should not make these big decisions on the basis of a piece of paper – you said they need to get to know the child first. You said that the Court should look at whether the child is being looked after properly at home; is the child safe, and is the child happy to come into care? You said it was very important that brothers and sisters are not separated and do not lose contact with each other.

The panel is recommending:

Courts should decide whether the child is to live with their parents, with other family or friends, or come into care. Social services should then be the ones to make a detailed care plan for the child if they are coming into care. They agreed with you that contact between brothers and sisters is very important, and they think that local authorities must make it easier for children they are looking after to see their brothers and sisters. They have also recommended that the government should think about whether brothers and sisters should be able to ask the court to let them see each other.

When parents split up

When parents break up it can be a very difficult time for children and young people. Sometimes parents don't know the best way of dealing with such a difficult time and this can have a bad effect on children.

The panel thinks that there needs to be new ways of sorting out these disagreements. These should help parents to sort things out for themselves. This should also happen more quickly.

You said:

You agreed with the idea of a Parenting Agreement saying how parents would look after their children if they had separated. You said parents, children and social workers were the top three people who should have a say in what went into this. You also said that parents should have to stick to what the Agreement said.

The panel is recommending:

Parents should be helped to set up a Parenting Agreement about the care of their children if they are separating. As well as this, parents should be given information and help to try to sort things out for their children. This should include being helped by a good mediator, as a person who helps families to sort out their disagreements and reach decisions for themselves on what is best for the child. People should meet with a mediator, who will help them see if mediation could work for them. Disagreements could still go to a court to decide, if they can't be sorted out by the family.

You said:

The law should say that when parents separate, the child should be able to have a good relationship with both their parents, so long as this is safe and so long as the child wants this.

The panel is recommending:

Children should have a good relationship with each of their parents if they want to, and so long as it is safe, after their parents have separated. But the law should not say that the child should have to spend the same amount of time with each of their parents as this might not be in the best interests of the child.

There should be a new 'child arrangements order' for the court to use to sort out how a child should be cared for if their parents cannot agree about this. This would not talk about one parent or the other having the right for the child to have 'residence' or 'contact' with them. Instead it would sort out what should happen with the practical things that matter in that child's life. Quick action should be taken if people do not do what a child's arrangements order says they should.

You said:

You agreed with the idea that all parents should be given a leaflet about their responsibilities as parents whenever a child is born.

The panel is recommending:

All parents should be given a short leaflet when they register the birth of their child. This would explain their responsibilities as parents and could be referred to in later years.

What happens next?

The government will now go through the panel's suggestions to see if they agree with them and, if they do, how they will implement them. The government will then present its formal response to this report. This will include information about how any changes will be carried out. The government's response will be published on the Ministry of Justice website:

www.justice.gov.uk

or you can follow the government's progress via Twitter:

[@MoJGovUK](https://twitter.com/MoJGovUK)

If you would like any more information about the Family Justice Review, please contact:

partners@justice.gsi.gov.uk

This document is also available in Welsh, which can be downloaded from the Ministry of Justice website.

Final word of thanks

Both the Children's Rights Director for England and the Family Justice Review panel would like to say thank you to all the children that took part in this review, in particular those that attended the two consultation events in Leicester. The information that you provided made a real difference to the panel's thinking and will hopefully help to improve the experience of other children that unfortunately find themselves faced with family breakdown in the future.

