

Children and Young People’s Participation in Care Proceedings
KRATOS – Enfield’s Children in Care Council
Young Inspector’s Report

BARNET COURT INSPECTION EVIDENCE FORM

Service	Enfield Young Inspectors		
Young Inspectors	George Frith, Thomas Frith, Amira Williams		
Inspector’s Name	Professional Youth Workers: Yemi Akinfenwa and Peri Louise Revan		
Unit / Project Name	KRATOS – Enfield’s Children in Care Council inspection into children and young people’s involvement in care proceedings		
Inspection Number		Date	29 th July 2015
Session Length		Observation Time	1-6pm

Introduction

KRATOS – Enfield’s Children in Care Council working with Enfield, Haringey and Barnet’s Care proceeding professionals aim to ensure that Family Court Proceedings remains focussed on the children and young people. The purpose of an inspection lead and delivered by Looked After Children Young Inspectors is to formalise recommendations to develop the participation of children and young people during family proceedings.

This inspection report provides in summary the following:

- Inspection of the court premises
- Interviews with magistrates, judges and children and young people who have experienced court proceedings.

KRATOS Young Inspectors will include recommendations for consideration that contribute towards a wider participation strategy.

Barnet Court House Premises

KRATOS Young Inspectors took a tour of Barnet Family Court, St Marys Court, Regents Park Road Finchley central, N3 1BQ, in June and July 2015.

The purpose of the tours was to allow young inspectors to make findings and recommendations on how the court building could become more approachable and welcoming to children, young people and their families. Young Inspectors were shown all areas of the court, including waiting areas, CAFCASS family room and three court rooms.

Overall, young inspectors found the court to be well maintained.

Securitys operating on reception were professional, young Inspectors acknowledged the importance of security measures in operation, walkthrough archways and bag and body searches. All parties were treated fairly during searches, with the security guards taking into consideration the age of the young inspectors and taking a more mindful, child friendly approach.

Reception waiting areas were spacious, well lit but dull. Young inspectors suggested more attention is required in the reception area, whilst notice boards provided information for additional services and access to support; these could be made more pleasant.

CAFCASS family room was inadequately equipped with child / young person friendly resources. The room appeared to be a space where office furniture was kept, hosting a range of unrelated furniture. A children's play kitchen was rested against the wall in-between office storage draws, the room lacked child and young person friendly resources such as children books, toys and posters.

All three courts inspected; Magistrate court, Circuit Court and District Court were all well-equipped, maintained and were conducive to that of the core functions of a family hearing. Providing adequate space for all parties and professional bodies.

Finally, the toilet facilities were clean and tidy, with accessible toilets for chair users.

Interviews with Judges

This section will give a brief overview and key headlines from the young inspectors interviews with; 1. Magistrates, 2. District Judge Stone, 3. Circuit Judge Mayer

KRATOS – Enfield's Children in Care Council lead on the consultation and development of questions for judges. Three Youth inspectors from KRATOS on full care orders lead on Judges interviews.

Magistrate Interviews

KRATOS Young Inspectors conducted a group interview with three experienced magistrate judges.

Magistrates were asked how they could better involve children and young people

in their care proceedings. The magistrates informed that their present practice is heavily reliant on the work of the CAFCASS guardians, advocates and the social worker reports. Magistrates do not meet or involve the child or young people during care proceedings, but this happens on occasions during adoption cases. Magistrates informed that in their family court their focus is always on the child more so than the parents, taking a lot of notice of what is being presented by the Guardians.

The young inspectors understood that the Magistrates depend on the meaningful contact made by the Guardian and social workers.

The family court magistrates were very clearly invested in the needs of the child / young person, working to a child centred approach and were very forthcoming in suggesting and welcoming the possibility of children and young people being better involved.

Magistrates were happy to meet with children and young people where possible, after the hearing to get an explanation and reasoning and have an opportunity to ask questions. Magistrates also welcomed receiving letters prior to the hearing, to which they confirmed that they would absolutely reply to and take an interest in.

The Magistrates want to support a child or young person to understand the process of court proceedings in partnership with their Guardian / CAFCASS professional.

Magistrates were very clear that the voice of the child / young person would not be absolute in their decision making but would work alongside everything else as a contributing factor. Magistrates would want clear guidance on a child's involvement as to not cause distress, understanding it could be a traumatic time for child or young person.

District Judge Stone

KRATOS Young Inspectors met with Judge Stone asking how children and young people could be better involved in care proceedings.

Judge Stone informed that getting to know the child/young person at the centre of the case is done via the children's Guardian. The Guardian is able to gain understanding of how the child/young person is thinking and feeling and share this with the court.

Judge Stone has received letters from children and young people regarding their care proceedings but this is rare. He has welcomed it and views this as a good method of participation. He believes providing more opportunities for children/young people to write letters is good, especially for the older young people. Judge Stone is happy to offer opportunities to children/young people to meet with him however this to be facilitated by the child's/young person's Guardian.

Judge Stone on considering limitations to children's participation in care

proceeding

Considering the child's / young person's point of view, the experience of court proceedings could be quite frightening, suggesting their also need to be an understanding of confidentiality, anything that is shared with the Judge is shared in court. This is also an area to be considering, if it were to be suggested that Child / young people be present at the court, information discussed in court would not always be age appropriate or sensible, due the nature of the proceedings.

Judge Stone informed that not all court professionals are skilled in talking to a child or a young person. This suggests areas of training and / or having the correct facilitators / professionals trained to work with children and young people.

Judge Stone felt the topic of children and young people being present during their court proceedings was tricky and would require much thought, he was not sure if there is much value in the child being present and could prevent others from speaking freely.

Judge Stone offered 3 top recommendations for children's participation

1. A photograph of the child for the court / judge to see, to contribute to a child centred approach
2. For the Child / young person to attach a letter to the Guardian's report
3. Older children to write letters expressing their wishes and feelings with the opportunity to meet with the judge (line of inquiry – who would facilitate this?)

Further to Judge Stone's top three recommendations, he further discussed with the young inspectors suggestion for better practise, such as CAF/CASS using a standardised set of questions for the child as a method of increasing children's and young people's participation in their court proceedings, for example, asking the child – 'would you like to visit the court?'

Judge Stone spoke with the Young Inspectors about the difficulties in knowing if the judgement that is made in court is the best decision. Informing that as a judge they look at all the areas of the law and the evidence presented, being very heavily reliant on the Guardian, Social Worker and reports from the schools to gain a true picture.

Young inspectors found their meeting with Judge Stone very informative and interesting. Stone focused on the shared outcomes, wanting to understand how the participation of children could equally benefit both the court and the child and wonders if participation could cause limitations to either the court or the child.

Stone asks, 'would children's involvement in care proceedings benefit the court? Is there value in meeting with the child as a contributing factor to the overall hearing?'

Circuit Judge Mayer

Judge Mayer met with the Young Inspectors and informed them that at present the system for hearing the child or young person's voice was done via their Guardian, informing that as soon as a Local Authority makes an application to the

court the children in the family will automatically be appointed an independent Guardian via CAFCASS, therefore, all children and young people will be given the opportunity and right to have a voice.

Judge Mayer informed that she has 30 years' experience in family courts and has been in her role as a Circuit Judge for 13 years. Judge Mayer informed that she may perhaps been more stuck in her ways and that young judge's may be more willing to make adaptation.

Judge Mayer in her experience would not invite children to meet with her, but if the children asked to do this she would be willing and would explain the court proceedings process, but she would prefer to do so once the decision making has been completed. Judge Mayer gave the example of a child asking her to allow them to stay living with their parent – she may not make that decision and the child might feel they had not been listened to.

Judge Mayer was very clear in saying, she does not think it is a good idea for children to be present in court and hear information that they may be distressing.

Judge Mayer told the young inspectors that involving children and young people is tricky and has to be tackled carefully. Understanding that children and young people are the focus of the hearing, Judge Mayer wants the children to be treated sensitively.

Judge Mayer believes that children are already well represented in court, however, also supports and suggests that:

1. Children should be given opportunities to write letters and drawings to the judge.
2. For all children to be invited to the court to meet the judges, to say hello and be introduced to their judge and have a look at the court.
3. Welcomes a short pre-recorded video of the child to be played at the hearing.

Interviews with Haringey Young People

KRATOS young inspectors met with two young people from Haringey's Children in Care Council – ASPIRE. Young inspectors asked the two young men; to what extent did they feel their wishes and feelings were considered when the judge made their decision. Both young people spoke about being appointed a Guardian via CAFCASS and this being a positive experience.

One young man shared that his Guardian helped him to understand that some things were out of their control, however, by having a voice via the guardian he felt that what he was asking for was taken into consideration by the court.

Both young people felt there is value and importance in having the opportunity to have their thoughts and feelings heard. ASPIRE highly praised their advocates.

ASPIRE young people were asked if they would like to see any changes in regards to the process of the court proceedings.

Young people felt that there should be opportunities for children and young people to attend court, however, the following should be considered;

1. The capacity / maturity of the child / young person
2. An effective means of including them

ASPIRE young people were asked if they would have liked to have met the judge and see the court before their case was heard. The young people considered the needs of the children and what impact this could have on them, suggesting that it would not always be a positive experience for some, however, very beneficial for others. One young man felt that there was not a need for it, his personal experience; he had a trusting relationship with his Guardian.

If this were to be a possibility they would like the following to be considered;

1. Judges to do training on how to interact with children and young people
2. A measure to work out how appropriate it would be for that individual

On having their wishes and feelings heard, the young people felt that it was a good idea if older young people took part in advocacy training, equipping them with the skills to speak for themselves to attend court for their families hearing. Recommending that this should be done from age 10 years.

Interviews with Enfield Young People

Two young people Looked After by Enfield on full care orders were asked about their experience of care proceedings. KRATOS young inspectors asked; to what extent did they feel their wishes and feelings were heard and considered by the judge during their decision making. The Enfield young people interviewed had two very different experiences providing us with some very valuable feedback.

Child R did not believe that she had been appointed a CAFCASS guardian and does not feel like anyone has ever listened to her or involved her in her care planning. Child R does not want to be a Looked After Child and desperately wants to return home to live with her mother. She does not feel like this has been considered by any of the professionals working with her.

* Child R had worked with a CAFCASS guardian and is now being supported by Enfield Children's Rights Advocacy service and is receiving therapy for the troubled times she has experienced.

Child M however, informed: 'I met with my guardian; she was really good, she explained her role really well and we had a chat. The situation was really fresh and I didn't want to return to my mum. I hadn't seen my mum. Even if I said I wanted to see my mum, I know now that would not have ever happened. I was a smart kid, I knew where I was living was not safe. It is difficult to say if my wishes and feelings were heard by the court, because of the nature of the case.'

Child M informed that having a guardian meant that she did not have to go to court; she felt that this took the pressure off of her. Child M explained 'I was already facing having to attend the criminal court, I was 14 years old, and I was there for 2 days. This was a very difficult time. I was supported by victim support, I remember the victim support lady remembered by name 4 years after she had first met me. She knew who I was.'

Both young people were then asked by young inspectors if they would have liked

to have changed the process of the court proceedings.

Child R informed that she would have liked to have been more involved in the court process and that she still does not know or understand why it was decided that she has been accommodated on a full care order.

Child M informed that she felt she had a really good experience of having her case at the family court. However, she would like to make a recommendation, informing that she would have liked to have received daily updates about what was happening in court. Child M said 'I wanted to know what was happening in court, that's my nature. Coming into care is a new situation, everything in my life was changing, when a child comes into care you want to know what is happening, it's a new experience and a worrying time.'

Young people were asked if they would have liked to have met the judges and see the court where their case was being heard.

Child R thinks this is a good idea and something she would like to have the opportunity to take part in. She also believed that this should be offered to all children aged over 10 years old.

Child M believes that this would not have been an opportunity she would have taken part in, informing that she had so much happening in her life during that period of time, she would have found this experience too much. Child M also believes that if she had met the judge, she worries this could have influenced her case. Child M is very clear in her need for her judge to be objective, separating fact from feeling. Child M stated 'I was really reliant on the judge to make the right judgement for me, and for society. I did not want anything to compromise or influence the decision making.'

Child M went on to tell that she did feel supported throughout the court proceedings, especially by her Guardian. Her recommendations include:

1. Young people should be asked if they would like to receive daily updates about their care proceedings
2. Having an older Guardian can be quite intimidating; there should be the opportunity to speak with peer advocates who work alongside the guardian to make it more children friendly.

Child R recommends:

1. Opportunities to have direct contact with the judge via written letters. Child R says that this is evidence that can support child and young people's understanding later on, explaining that a letter can be read once they are a bit more settled during a less chaotic time in their life.

Young inspectors Recommendation

- Barnet Court's CAFCASS family room should be considered for improvement. The space is made more welcoming, less office furniture, and provide a variety of toys, books, games, colouring sheets and literature for the children and young people.

- Barnet Court to develop in partnership with young people in care, Judges and Care professional a participation charter/ guidelines for involving a child/young person in the care proceeding at Barnet Court. The charter/ guidelines will include various options for participation which Judges and Care professionals can sign up to
- Produce a 3-5 minute documentary shot at Barnet Court outlining the Family Care Proceedings from the perspective of the child/ young person. This will give an insight into the proceedings including the court experience, and different options of involving child/young person in the proceedings. This can then be uploaded to the internet, where Guardians and Social Workers can refer the child/young person to watch for a better understanding of the Family Care Proceeding.

Enfield and Haringey Children in Care Councils Charter of Recommendations

Enfield and Haringey's children participation in care proceedings recommendations

- Children and Young people to have the opportunity for direct contact communication with members of the court to express their wishes and feelings: including letters, face to face meetings. Based on the individual child.
- Children and young people to be given the opportunity to write letters to their judge and indication that it has been received.
- Opportunities for children and young people to meet with their Judge and/or given the opportunity to view the court house to create awareness of the process
- Judges to be trained on how to communicate with children and young people. Enfield and Haringey's children in care council to deliver Total Respect Training.
- Young people to receive updates on their court proceedings when requested for their understanding and future reflection.
- Document court proceedings to be part of child's life story work.