



**Feedback from CAFCASS/FJC Young
People's Panel on the "Confidence and
Confidentiality: Improving Transparency and Privacy
in Family Courts" Consultation Paper**

16.09.06



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The panel met on 16 September 2006 in Birkenhead. Thirteen young people were brought together by NYAS to discuss the proposals to improve the transparency in the family courts, as set out in the DCA's consultation paper.

About the Group

The Group was set up in September 2005 when NYAS were asked by CAFCASS and the FJC to facilitate a young person's group. The objective of the group is to allow young people to be consulted on a range of issues involving CAFCASS and the FJC. The vision was to ensure that practice and policy within both organisations was child centred and reflected the feedback of this panel of young people as far as was possible.

Thirteen young people are currently active in the group, their ages ranging from 11 to 21. The group is made up of young people who have experienced either parental separation, private or public law proceedings or contact with Social Services. Some of the young people have worked with NYAS before, including some where NYAS have represented them as their guardian in proceedings, and others who have been involved with other NYAS consultations. Most of the Group are from the Merseyside area, and the remainder from North Wales.

The group meets every two months and topics are selected respectively by CAFCASS and FJC. To date the young people have also been consulted on CAFCASS Principles of Good Practice and CAFCASS Quality Standards. This Group has been working with the DCA policy team for over nine months, and have been involved from the early policy development stages. Their role has been recognised and mentioned in the consultation paper (see page 65, paragraph 15).

About the day

The group met to discuss proposals set out in the consultation paper. As a group, they had discussed the main issues at earlier meetings. The group discussions were lead by Kate Perry, the NYAS facilitator with support from Christine Smart from CAFCASS, District Judge Nicholas Crichton, a member of the FJC and Erika Maass, the lead policy official from DCA. The panel were asked to discuss a family court scenario developed by the Office of the Children's Commissioner (OCC) (and which was also used at the OCC/DCA event on 30 September). During smaller - group work, they were asked to discuss ideas which were then fed back to group. Those comments are shown overleaf.

Feedback from CAFCASS/FJC Young People's Panel

Session 16.09.06

Feedback on the consultation paper titled: “Confidence and Confidentiality: Improving transparency and privacy in family courts”

1. How would you describe young people's experiences as “court users”?

- intimidating and very stressful
- young person under pressure as trying to keep all of the adults happy
- difficult to talk about your life publicly
- “At times, hearing things for the first time”
- “It's like when you go to a review and feel quite small whilst in it”
- get embarrassed and for this reason the young person should always have someone to support them so they don't feel alone
- a young person may be happy that the court is involved as this may change a situation they have felt unhappy about
- a young person may feel suicidal and they should be able to speak to the judge about how they are feeling
- young people should have a choice to speak to the judge and they need to be clear about this from the beginning. They also need to feel O.K. about not wanting to speak to the judge
- having a lot of people to talk to can be confusing and it would be good if just one person/professional took on this role. Preference is that this person is from CAFCASS
- CAFCASS should coordinate the support for young people in relation to information sharing of the process.
- it's easier for a young person to build trust with one adult as opposed to many
- when there are loads of people involved it can make some young people feel as if they can't open up and discuss what is important to them
- swapping of social workers is frustrating , it feels like a “waiting game” especially when they do not come back with any answers
- sometimes you hear information that you have never heard before
- because you don't understand what is happening it can be very frightening that's why it is important to explain what is happening to the young person
- it is really important that this is explained to a young person in a way that they understand
- if a young person doesn't understand they will not engage with the court process
- younger children need more support in understanding what is going on, this could maybe come from the judge but not the social worker
- “At times going to court can be a good thing as it is about changes you want to make in your life anyway. It may be to stop an abuse.”

2. Do you think the media should have the right to be involved with court cases involving young people?

- the names of young people should never be mentioned
- even when names aren't reported young people living in rural areas may be easily identified
- the public should have a say in what is reported

- young people should have the right to choose between open (cases reported on) and closed (cases not reported) courts
- the press should be there it's difficult to agree on what should and shouldn't be reported
- if the media were to report, then it would be good for the judge and an independent person to check it out first. This will ensure that the report is balanced and not just what a judge may want to convey
- protection should be there to make sure that parents and social workers don't give out any information also

3. Do you think the court should **invite** the press and **the court decides** on what the press report?

- an independent person should decide on what is reported, it shouldn't be up to a judge as the young person may feel that they don't trust the judge or get on with them
- the press could report the decision of the court and nothing else
- the judge should decide what is reported and make sure it is fair and balanced
- should be able to have a second judge that checks this at the request of a young person
- "You don't want to go to school and hear stuff about yourself"
- "It should be a privilege rather than a right"
- "Some young people may protest, but it maybe in their best interest. We need to fully explain the benefits of this to them"
- "If the process does not go right then there should be a good record of the process to rectify this"

4. What things do you think the press **should not report** about cases involving young people?

- the young person should always understand what might happen if information is reported
- concerned about adults accused of doing something but they are not guilty
- should never report any information that identifies a family
- if the young person disagreed, then the judge should consider this on behalf of the child and in the context of all the information available, then advise
- if there were a family group i.e. brothers and sisters and there were disagreements about what should be reported on, then young people should be fully involved in the discussion and should understand the reasons why a certain decision was made
- it was proposed that a panel considered this to ensure the right decision was made - the panel included the judge

5. Which people do you think should **have the right** to attend cases involving young people?

- the family and friends of the young person who are genuinely involved in the young person's life
- should always ask the young person concerned
- maybe foster carers but always ask the young person first if it would be O.K. to ask them to attend
- a panel should decide this
- if there are siblings it is sometimes difficult for a young person to speak up as they do not want to upset their brothers and sisters – that's why it is important that they are given the option to talk to the judge individually

- need to make sure that siblings, particularly those living apart are fully updated and nobody is more updated than another

6. Which people do you think **should ask the court** if they can come to the hearings when young people are involved?

- the young person should always decide who should be there – this would depend on their age and ability
- the public should not be in the court: “It’s a family problem and it should remain at that”. “Embarrassing for the family if outsiders come”
- specific exceptions are trainee judges, inspectors, civil servants and minister and such like
- law/social work students, trainee solicitors etc should be allowed in the court as long as they respect the confidentiality of the young person and the young person is consulted about this

7. When a young person is **being adopted** what information do you think the public should know about this?

- nothing, should respect that this is somebody’s life!
- this would not help a young person who is trying to make a new start with a new family, it may make it harder for them to settle in and may make them feel like the odd one out
- observers, students etc they would be O.K to attend the hearings
- the young person should be consulted and this needs to be done at the right age, if the young person is older they will need more information
- young people should have the choice to receive sensitive/difficult information when they feel ready and have a choice to be told the “bad” stuff
- young people should have this difficult information from the start as it may hurt a young person more if they find out about it when they are older and some young people will already have picked up on things being difficult anyway
- this should apply to young people whose parents are divorcing
- an independent person could produce a report and make sure that certain information does not leave the court
- there should be an age limit when reporting in their adoption should be discussed with young person

8. What information do you think **an adult may need** when they have been involved with the courts as a young person?

- it is important that an impartial record of the hearing is saved for the young person so they can get this when they are older

Feedback on the following scenario involving Katrina and Jake:

Katrina is 15 years old and Jake is 5 years old.

They were living with their mum but she died as she was ill and didn't get any medical help.

When she died Jake went to live with a foster carer and Katrina moved in with neighbours.

When Katrina turned 16 she said that she wanted to look after Jake.

Social Services said that Jake was going to be adopted.

Katrina's carers gave her diary to Social Services with Katrina knowing. In the diary she talked about feeling angry with her mum and with her dad as he did not want them to live with him. Katrina also mentioned how she had been on the internet and chatted to older men and met up with some of them.

In court people said that because of what was in Katrina's diary she wouldn't be a good person to look after Jake or for him to see her.

The local press were interested in the court case involving Jake and Katrina. The reason for this was because Katrina's dad was a local DJ and a radio presenter.

Katrina and Jake's uncles also wanted to come to the court as they wanted to make sure the whole family knew what was happening to Katrina and Jake. The uncles and the family hadn't seen Katrina and Jake for a long time.

Feedback from the young people on the above:

- the foster carers should not have read Katrina's diary
- should have told Katrina that they had done this before they passed the diary to Social Services
- young people need to know in advance that information about their safety will be passed on
- the foster carers should have just passed the information on about Katrina not being safe rather than the whole diary
- the judge could have talked to Katrina on her own and in private about her diary
- Katrina being angry with her mum and dad is natural and normal this should not have been used against her
- she may be meeting older men to replace the lack of contact with her dad
- the judge should only have read the bits of her diary that talked about Katrina being at risk
- the facts should have been shared and not the feelings!
- her brother is her only family and they are taking this away from her
- Katrina needs to explore the long term stuff involved with her caring for Jake – may need to look at a compromise
- need to speak to Jake to see what he actually wants
- it's not right to cut Katrina out of Jake's life, Jake might feel very bitter about this when he is older

- most young people in Jake's situation would choose to live with their sister and not carers
- children don't get asked about what they want
- Katrina may not be aware of the dangers she is putting herself in
- Katrina should be given a second chance
- young people need more time to make decisions about their future and usually more time than adult imposed timescales
- the press should not be invited in on this case, it's obvious they don't care and it could make it worse for Katrina
- Katrina should be allowed to speak to her dad privately about what is going on
- the uncles should not be allowed into the court, why get involved now and not before?
- if the uncles were allowed into court it may make them want to get involved with Jake and Katrina's lives
- Jake may resent his carers
- it is important that Jake does not blame himself for the situation
- young people sometimes know what they want but the adults take ages to get it all sorted out
- adults expect young people to make important decisions very quickly and they take forever to respond to this!