



Department
for Education



Ministry
of Justice



A brighter future for Family Justice

The young persons' guide to what's happened
since the Family Justice Review looked into things

A word from Government Ministers

In the Government we weren't happy with the way justice and the courts were working for children and families. So we asked a group of people to look at things and tell us how they thought things could be made better. That was called the 'Family Justice Review'. They gave us their report in 2011: www.gov.uk/government/uploads/system/uploads/attachment_data/file/177093/DFE-00003-2012.pdf.

The people who did the review for us said that the courts and justice weren't working well. There were lots of problems and it was letting children and families down. David Norgrove, the leader of the review, said it could take ages for some courts to decide whether a child should be looked after in care. It could take well over a year (as much as a year and eight weeks, or even more).

The Government agreed with almost everything David Norgrove and his team said. We agreed that things had to be sorted out. So we have made lots of changes to make things better. Sorting out the courts, justice for children, and keeping children safe, are really important to the Government. This Young Persons' Guide is to tell YOU what we have done, and what is changing.

There used to be three different sorts of court deciding things for children and families. This did not work well. So we have changed things so there is now one Family Court. This should work much better for children and families.

As well as this we have passed a new law that says courts should make decisions about children's lives in less than 26 weeks when children's services make an application. This target should speed things up for children. This is part of a bigger law called the Children and Families Act 2014. Decisions are already being made faster.

Council Children's Services work for children who need help or looking after. We have worked with children's services departments, and with the College of Social Work, to tell social workers ways of working better for children.

When a court has to decide about a child's future, a Guardian will listen to the child and advise them what they think would be best for the child. Guardians come from a service called CAFCASS. Their work is very important for children. We are pleased that Ofsted (the inspection people) said this year that CAFCASS is working really well. It is the judge who makes the decision based on all the information.

We think it is usually best for families to sort out their problems without having to go to a court when parents are divorcing or separating. We have now put it in the law that if two people are going to separate or divorce, they must have help from someone called a 'mediator'. This is to see if they can sort out what's best for their children and money without going to a court.

We will do our best to make sure that people who go to a court without a lawyer still get help to say what they need to say in court.

We want to thank everyone who is making the courts and justice work better. These are social workers, judges, lawyers and mediators. And we want to thank David Norgrove and Sir James Munby, who is the top judge in family courts, for all their work to make the changes happen.

A lot has happened to make things better. But lots more needs to be done. We promise that we will keep working to make it all work better for children and their families.

We are grateful to Dr Roger Morgan OBE for his contribution to this guide for young people.

Simon Hughes
Minister of State
for Justice and Civil
Liberties

Edward Timpson
Parliamentary Under
Secretary of State
for Children and
Families

Changes to make things better

David Norgrove and his team said justice and the courts were letting children down. They said 134 changes needed to be made to sort this out. The Government agreed to make almost all these changes. Big changes started happening in April 2014.

The new Family Court

The new Family Court started on 22 April 2014. It works across England and Wales. This one court makes decisions about most cases involving families and children. This is better than before, when these decisions were made by three different sorts of court. Now, families don't have to work out which court is the right one, like they used to. They just contact the one place. Then they get the right judge and can go to meet the court in a building near where they live.

Things are much simpler now with the new Family Court. Families don't get moved about from one sort of court to another like they used to. This makes things work quicker and better for children.

Deciding who should look after children

The court makes decisions about whether a child would be better looked after in care or with their parents. This is what used to take over a year. Now the court has to make its decision about a child's future in less than 26 weeks (six months), unless there is a special reason for taking longer.

If the court really does need a bit more time to get things right for the child, it can have a bit more time. But it can only have eight more weeks at a time. The plan is to give children the right decisions quicker.

It will take a while to get most decisions for children made twice as fast as before. But things are getting there. In 2011, when David Norgrove did his review, it took 55 weeks on average for a court to make its decisions for a child. In early 2014, this had already gone down to 32 weeks.

Mediation

This is when, instead of going to court, someone called a mediator helps families to sort out who is going to look after their children and other big decisions about money and houses. This is for families where the parents are separating. If parents can sort things out with the help of a mediator, this is usually better than asking a court to decide things for them.

The law now says that before a family asks the court to decide things, they must go to a meeting with a mediator. This is to find out whether a mediator can help them to decide things themselves. Mediators try to help parents make decisions about who will look after their children, and about the family's money.

Mediation won't be tried if someone in the family is being harmed.

The Government can help parents with the cost of getting help from a mediator.



Keeping children in touch with both their parents

The law is changing to make sure that if a child lives with just one of their parents, the other one can still play a part in their lives. That is as long as it is right for the child.

The court can now say how this is to happen by making what is called a 'Child Arrangements Order'.

Later in 2014, another change will happen in the law. This will try to make sure that when parents are going to separate, they should work out how they are both going to stay part of the child's life in the future.



Experts

Asking experts to come to court to give advice can take a long time and slow things down. Courts don't really need experts to advise them very often. So the law has now changed to say that experts will only be called in if a judge thinks the court really does need to ask an expert something. If it wants to ask an expert, the court now has to think about what slowing things down would be like for the child.

Paying for courts to decide things

The Government is trying to keep down the cost of courts and justice. There are now only three sorts of cases where families can get money from the Government to pay for lawyers (this is called Legal Aid). These are where there is violence in the family, if a child is being harmed, or to get a mediator to help sort things out without going to court.

Lawyers are also paid a bit less if the court is deciding who is going to care for a child. This is because it is now taking less time for these cases to be sorted out. Experts are now usually paid a bit less if they are needed to give advice to the court. As well as this, the Government has asked people what they think about other changes that can be made to how people pay for getting help from the court. It is looking at what people have said before it decides on more changes in the future.

When courts decide things, there is a lot of paperwork. To help keep costs down, there are new rules about keeping the paperwork down. This shouldn't make any difference to families or children though.

How things are going

Lots of figures are collected to see how much things are actually changing. Here are some facts:

- Since 2011, courts have been getting quicker at making decisions about children's futures.
- In 2011, courts made decisions in care cases in less than 26 weeks in just over one in ten cases. By the first part of 2014, they made decisions this quickly in exactly half of all their cases. And of course, 26 weeks is now their time limit.
- When parents ask the court to help make a decision about the care of their child, the court takes between 15 and 20 weeks on average to reach its decision. This time has stayed much the same since early 2011.
- The number of parents getting help from a mediator has not been going up. We are doing lots of work to make sure that the new law makes a difference.

What happened to all those recommendations?

There is a group of 43 children and young people, called the Family Justice Young People's Board. Many of them know for themselves what justice and the courts are like for children. Their job is to make sure things are changing in a way that is right for children. Here is a list of things the Family Justice Young People's Board have done:

- ✔ The Young People's Board has written a children's list of words courts use and what they mean. This is called a 'glossary'.
- ✔ They have written some information to explain things to children who are going to court.
- ✔ They are writing a Charter to say how justice and the courts should work for children.
- ✔ They are meeting up with lots of people working with the courts and asking them to sign up to ways of getting things right for children.
- ✔ Some of the children and young people on the Board do inspections of how well different people are working to give justice to children and families, including Cafcass. They have also started doing reviews to check how the court is working. The first place they did that was York. They write reports which say if they think something needs to be changed.

Courts making it better for children when they decide about care

- ✓ The new 26 week time limit for courts to make decisions has now started in cases where children's services apply for an order.
- ✓ If the court needs longer, it must now think about what taking longer will mean for the child.
- ✓ Courts began working faster for children, even before the new law came in.
- ✓ Social workers and the people working in the court have been getting trained to get the right decisions faster for children.
- ✓ When the court looks at a child's care plan, it now only has to check out the bits that help it decide whether the child needs to come into care.
- ✓ Sometimes a child needs to be in care while the court is deciding whether that child will stay in care or go home. The court can now say the child should stay in care until it has decided what is going to happen next. It doesn't have to keep meeting every few weeks to talk about the child staying in care for a while, like it used to.
- ✓ Special court meetings for families with drug or alcohol problems have been tried in some places. They are doing well. These are called the Family Drug and Alcohol Courts. They are now working in London, Milton Keynes and Buckinghamshire. The Government is going to carry on helping them get going with extra money until March 2015.
- ✓ The law now says the court should not slow things down for children by asking too many experts about things.
- ✓ New rules are being brought in for the court to follow when it does want to ask an expert something.

Helping parents sort things out for themselves

- Information has been put on the internet to help parents decide things for their children without going to court. They can look at 'Sorting out Separation' on the internet. The link is www.sortingoutseparation.org.uk
- The law now says that if a child doesn't live with both their parents, then both their parents should still stay part of the child's life. But that is only if it is right for the child. The child can still see a parent even if that parent doesn't pay anything towards the cost of looking after them. It is just about what is right for the child.
- There is a plan on the internet that parents can use to help sort out decisions about their children. The link is www.cafcass.gov.uk/grown-ups/parenting-plan.aspx
- If they need to, parents can now ask the court to decide how they can both stay part of their child's life if they are separating. The court can now write its decisions in a 'Child Arrangements Order'.
- There is the new law about parents getting help from a mediator to sort things out for their children without having to go to court.
- A group of people called the Family Mediation Council is helping mediators with families.
- The Government asked David Norgrove (the person who led the main Review) to work out ways to get more parents to ask for a mediator to help them. They are now thinking about the ideas he came up with.
- The new Family Court has started its work. There is a new team to make sure each family gets the right judge for their case. Even if they need one of the top judges in the country (a High Court Judge), that judge can still meet them in the Family Court. They don't have to go somewhere else to see that judge.
- The Family Court can see families anywhere, but it usually meets in a building previously used by the courts as near to the children concerned as possible.



Running things properly

- The new Family Justice Board has started its job of making sure the different people working on justice for families all work properly together. There are local Boards to check how things are going in each part of the country. The Family Justice Board is working hard to make sure things change for the better.
- Cafcass is the organisation that sends Guardians to tell the court what they think is best for children. Cafcass now works for the justice bit of the Government, instead of the education bit like it used to.

At Court

- Judges have been getting new training for all this since December 2012.
- Families going to court will now usually have the same judge at every stage of their case.
- The Government is giving money for council children's services people to get training for all the changes. The College of Social Work has set up some new training in all this for social workers.
- If it looks as if parents might need to go to court because council children's services are worried about a child, they will send the parents a letter explaining everything. The letter will give lots of parents the chance to sort things out with children's social care services without having to go to court.
- New rules have been written to help Guardians from Cafcass and Independent Reviewing Officers (IROs) to work closely together.
- There are new ways for people who work in the court to get cases sorted out well, and quicker than before.

Glossary – What things mean

Sometimes it can be confusing when we hear words and phrases that we do not understand. Here are a few of the more commonly used terms and words that you might hear about during your family court case.

Using this colour key you can see what section each term is from.

-  Services
-  Types of Contact
-  People Involved
-  Types of Court Report
-  Court Decisions
-  Law

-  **Adjournment** – A decision made by the Family Court to hold the court hearing at another time because things are not ready or people need more time to do something.
-  **Adoption Order** – A type of order made by the Family Court which transfers parental responsibility to new, adoptive parents and means that a child or young person is no longer legally the child of their birth parents. It allows them to start a new family.
-  **Application** – This is how a person asks the Family Court to help them.
-  **Barrister** – A legally trained person who advises people going through the Family Court and speaks for them in court hearings.
-  **Children and Family Court Advisory and Support Service (Cafcass)** – This is an organisation which works with children and young people and their families and then advises the Family Court on what it considers to be in the best interests of each and every child.
-  **Cafcass Worker** – Depending on what the Family Court have ordered Cafcass to do, the Cafcass worker can be named one of two things: a family court advisor or a children's guardian (for more detail look for their descriptions).
-  **Care Order** – An order made by the Family Court when the local authority can prove that a child or young person living in their area is not being looked after properly.
-  **Case Management Conference** – This is a hearing where the major issues for a child or young person are talked about and the judge sets out how the Family Court case is going to proceed.
-  **Child Arrangements Order** – When people can't agree on where a child might live or who they should see, the Family Court might be asked to decide. The judge will look at what is best for the child or young person and make a decision setting out what people must do. The order can say who a child is to live with and who a child is to spend time with or have contact with. This replaces what used to be called contact and residence or custody which you may have heard about.

- **Children's Guardian** – Sometimes when the problems within a family are really difficult then the Family Court will ask for a children's guardian to help them. The children's guardian is an independent person who is there to keep the court focused on what is best for the child or young person. They will also appoint a solicitor to act for the young person in court.
- **Child Contact Centre** – This is a safe place where children and young people can see a parent who they do not live with. Usually, this allows for direct contact, supervised contact or supported contact.
- **Direct Contact** – When a child or young person can spend time with and/or have staying contact with someone that they do not live with.
- **Domestic Violence Perpetrators Programme (DVPP)** – A course that helps adults who have been violent towards another person learn how to control their anger.
- **Family Assistance Order** – An order which the Family Court can make to provide short term (usually six months) support to a family who agree to it. This can be from a Cafcass worker or a social worker from the local authority.
- **Family Court** – This is where important decisions are made about children, young people and their families. It is different to criminal courts where people go when they might have done something wrong. Decisions in the Family Court are made by Judges or Magistrates when people can't agree about what is best for a child or young person.
- **Family Court Advisor (FCA)** – Sometimes the Family Court may ask a family court advisor to meet with a child or young people to talk about their wishes and feelings and to make sure the family court hears what they have to say. The FCA also gives their view to the court about what is best for the child. FCAs do not need to meet all children and young people because sometimes families can agree themselves on what is best.
- **Family Group Conference** – All of the important people in a child's life get together to check that they are safe. It means that everyone knows what is happening and keeps them safe.
- **Final Order** – This is the last order made by the Family Court. The court expects all the people named in the order to keep to it and do as it says and can punish adults if they don't.
- **Foster Carer** – People who give a home to children and young people who need a safe place to live. They may have children of their own, or other foster children living with them, in which case you would all live in the same house together.
- **Guardian's Report** – The Family Court will ask the Children's Guardian to write a report to help it make decisions about a child or young person. The report will include information on their wishes and feelings and a recommendation from the Children's Guardian on what they think is best for the child. The report will also include information from the other people involved such as the parents and any other individuals such as experts.

- **Independent Reviewing Officer (IRO)** – IROs help to make sure the best decisions are made for children looked after by the local authority. Their main focus is make sure that the care planning process for each child or young person is meeting their needs and to ensure that his/her current wishes and feelings are given full consideration.
- **Indirect Contact** – A child or young person can use forms of contact such as letters, cards or gifts and is often used to re-introduce a child to someone that they have not seen for some time.
- **Interim Care Order** – This means that the local authority make decisions about a child rather than their own parents for the short term, before the Family Court makes a final order. The child will get a social worker to make the decisions day-to-day.
- **Issues Resolution Hearing (IRH)** – This is a special hearing where the Family Court decides which issues need to be sorted out and hears arguments about which is a true version of events.
- **Judge** – Sometimes families have problems which they might find too hard to sort out by themselves. A judge works in the Family Court, listens to everybody and then decides what is best for the child or young person involved in the case. They have the final say and will make the decision about that child or young person's life.
- **Legal Advisor** – A legally qualified person who helps Magistrates in the Family Court apply the law. They do not play any part in the decision making process but are there to advise.
- **Local Authority (also known as Children's Social Care or Social Services)** – This organisation is responsible for making sure all children and young people in their local area are kept safe by the people who care for them.
- **Magistrate** – This person is a member of the community who volunteers to make decisions that affect families, children and young people. They are similar to a judge but are not legally qualified. They are advised on the law by their legal advisor.
- **Mediation** – When people can't agree, they go to another person to help them sort it out (a mediator). The mediator talks to all and tries to help them find an outcome that they are all happy with. This means that they don't have to go to the Family Court.
- **Non-Molestation Order** – This is a type of order the Family Court uses to keep adults, children and young people safe from someone who has been violent toward them.
- **Parental Responsibility** – Parental responsibility means all the rights, duties, and responsibilities that a parent has to a child or young person. A person or the people with parental responsibility can make decisions about a child such as who they will live with and what school they will attend.
- **Private Law** – These cases are brought to the Family Court by private individuals, generally in connection with divorce or a parents' separation. The Family Court may make a Child Arrangements Order, Prohibited Steps Order or a Specific Issues Order or no order at all.

- **Prohibited Steps Order** – A parent can be prevented by the Family Court from doing something the other parent does not want them to do. The most common type is where one parent is stopped from moving abroad with the child or young person.
- **Public Law** – Public law cases are brought to the family court by local authorities where they are worried that a child or young person is not being looked after safely. The Family Court may make a Care Order, a Supervision Order, or no order at all.
- **Safeguarding Letter** – This is a letter that a Cafcass Worker will write and send to the Family Court. They will speak to the parties (usually the parents) and ask about the child or young person's safety and any worries that they might have.
- **Schedule 2 Letter/Report** – This is the old name for the new Safeguarding Letter, sent by the Cafcass Worker to the Family Court.
- **Section 37 Report** – The Family Court orders Cafcass to produce this report because they are worried about a child or young person and want to make sure that they are safe. It will involve a Cafcass worker usually visiting the child and ensuring everything is okay at home.
- **Section 7 Report** – This report is ordered by the Family Court and makes either Cafcass or the local authority investigate all the circumstances of the family, often including the wishes and feelings of a child or young person and send a report to the court.
- **Social Worker** – These specially trained people help to make sure children and young people are safe and properly looked after. They will work with families to help make it possible for children to stay safely with them. If the Family Court decides that it is not possible, they will help to make sure there is somewhere else that is safe where a child can live.
- **Solicitor** – Legally trained people who provide advice to people going through the Family Court and can speak for them in court.
- **Special Guardianship Order** – This Family Court order allows another person to become a child's 'special guardian'. It is for children who cannot live with their birth parents and gives parental responsibility to the special guardian so that they can make decisions alone about the child's life.
- **Specific Issue Order** – This order is made by the Family Court, when there is an important issue to be resolved but parents can't agree on it. For example: which school a child should go to.
- **Supervised Contact** – This is a type of direct contact which requires a supervisor to make sure that the child is safe with the other person. This may be done in a contact centre.
- **Supervision Order** – A supervision order makes the local authority take responsibility for advising, assisting and befriending a young person and ensuring that the child or young person is kept safe in the care of their parents.
- **Supported Contact** – This is direct contact which gives some support from a child contact centre worker to the adults so that they can meet the needs of their child(ren).

