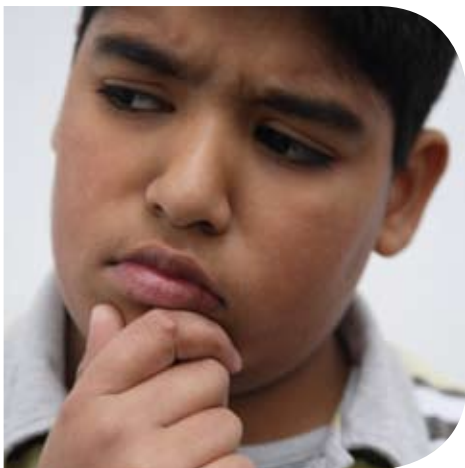


# Family Justice Review: the children's verdict

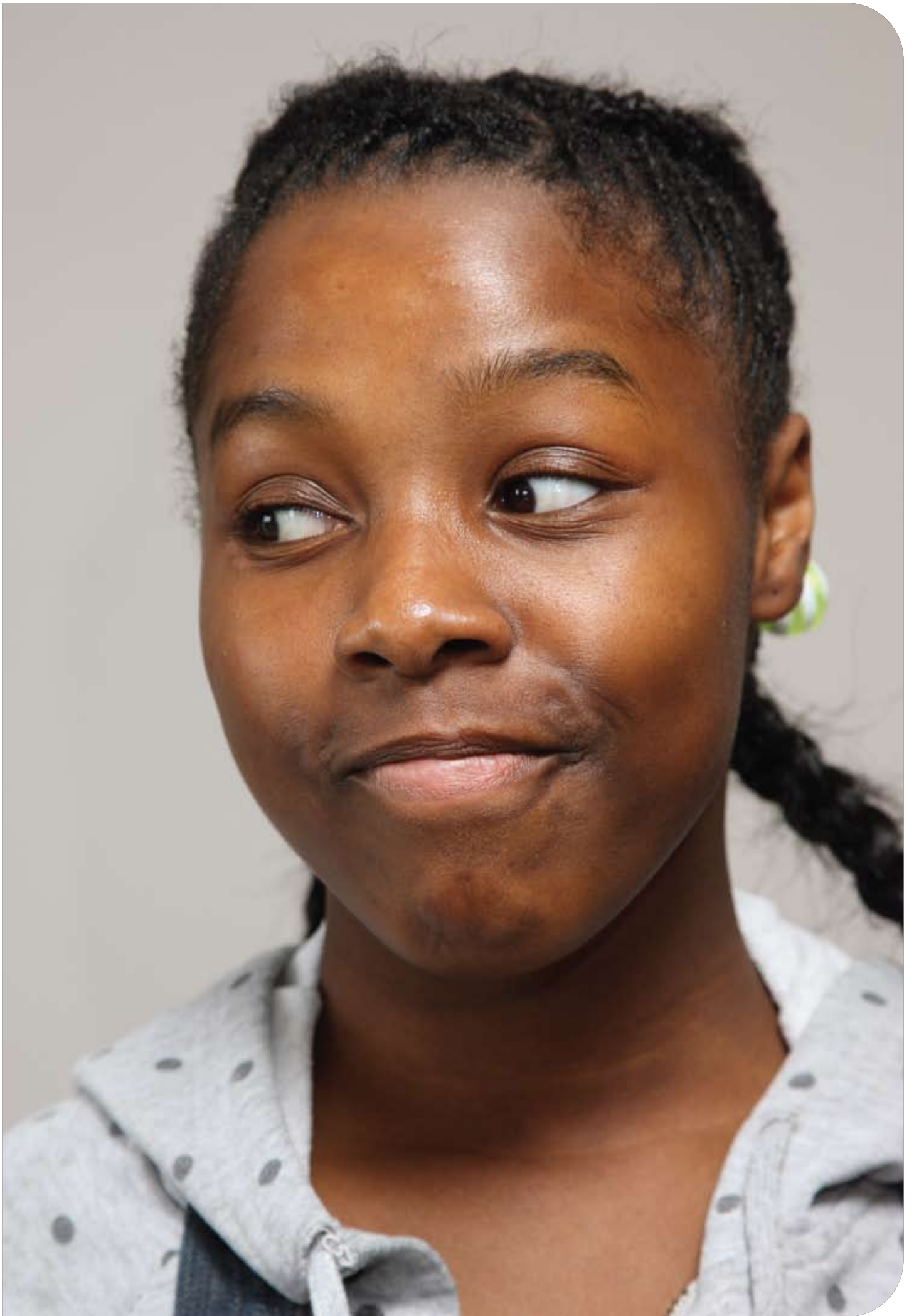
Children's views on the recommendations  
of the Family Justice Review Panel, 2011

A report by the Children's Rights Director for England



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# Introduction

Roger Morgan, Children's Rights Director for England



As Children's Rights Director for England, the law gives me the duty to ask children and young people in care or getting any sort of help from social care services for their views about their rights and their welfare. My duties also cover children and young people living away from home in any type of boarding school, residential special school or further education college, as well as care leavers.

With my team I also give advice on children's views and on children's rights and welfare to Her Majesty's Chief Inspector at Ofsted, and to the government. I have a duty to raise any issues I think are important about the rights and welfare of children in care, getting children's social care support or living away from home. We do this both for individual young people and for whole groups of young people.

The government set up a Family Justice Review Panel, which in March 2011 published an 'interim report' setting out its recommendations to improve the family justice system and the way the courts work for children. We consulted children and young people on the questions the panel was looking at, and we published what they told us in our report

*Children on family justice*. The review panel took many of the children's messages into account, and then asked us to check what children and young people thought about the main recommendations in the panel's interim report. This was so that the children's verdict could be taken into account in the panel's final report. We asked children and young people in care or living away from home to give us their views on those recommendations. This report sets out their views. We have written what the children and young people told us, without adding any comments, views or ideas of our own, and whether or not we agree or disagree with what they said. This report is being sent to the Family Justice Review Panel, to officials at the Ministry of Justice, to officials and government ministers at the Department for Education and to Opposition spokespersons.

Our reports are all written so that they can be read easily by everyone – including children, professionals and government ministers. You can download copies of all our children's views reports on our children's website: [www.rights4me.org](http://www.rights4me.org). There is also a *Young People's Guide to the Family Justice Review* on our website.

A handwritten signature in black ink, appearing to read 'Roger Morgan'.





# How we asked for views

To find out what children thought about the findings and recommendations of the Family Justice Review Panel, we invited children to two consultation days at the National Space Centre in Leicester. This was the same place we had used for our earlier sessions to find out what children wanted to tell the panel before it had written its first report.

Children and young people could come to either or both of the two days. As well as giving us their views, they were able to enjoy the facilities of the Space Centre. Officials from the Ministry of Justice were with us on both days to hear the children's views first hand.

On the first day, children and young people took part in a voting session in the planetarium theatre of the Space Centre, where we projected questions about the panel's findings and recommendations on to the screen and the children chose the answers they agreed with using electronic voting pads. The results were put up on the screen after the vote on each question. Those results are set out in this report.

On the second day, we held six in-depth discussion groups with children and young people to go further into the panel's recommendations. All these groups were led by members of the Children's Rights Director's team, and members of the team took notes of the children's views for me to use in writing this report. People from the Ministry of Justice sat in on the groups and asked the children some extra questions. We did not suggest answers to the children in these groups. The children's parents, carers or staff were not with them in the discussion groups.

As well as taking part in the voting session or in discussion groups, on each day children were able to give their views on a number of questions using electronic screens and keyboards where they could enter any answers or views they wanted. These were placed on stands around the rooms where people waited for their voting sessions and discussion groups to start. Members of the Children's Rights Director's team stood by to help children and young people use these keyboards. For this report, we have grouped

together the most usual answers children and young people gave to each question. We have also given some quotes of what they wrote, either where we think this sums up what a lot of people wrote or where the quote gives an idea which was very different from what most others wrote.

We also asked each child who came to either day to fill in a card with some more questions on it, and to bring their answers to us when they arrived. These cards also helped to get children and young people thinking about some of the things covered in the review panel's report before they arrived at the Space Centre to take part in voting or discussion groups. Children wrote their own answers on these cards, we did not suggest answers to them.

We asked questions at different times and in different ways so that we could get a good range of views without asking too much all at one go.

A total of 44 children and young people, from a range of different children's services, took part in the voting sessions in the planetarium, and 25 children and young people joined us in the six discussion groups. Three of these children took part in both the voting and a discussion group. As well as taking part in the voting session or discussion groups, 55 of the children and young people attending over the two days also answered the questions on the screens and keyboards. Completed question cards were also handed in by 59 of the children over the two days.

This report aims to give the full range of the verdicts of all the children and young people who attended our consultation days on the findings and recommendations we asked them about. Because each of the figures setting out the voting figures from the planetarium gives the views of fewer than 100 children, we have given the actual numbers of children rather than using percentages.





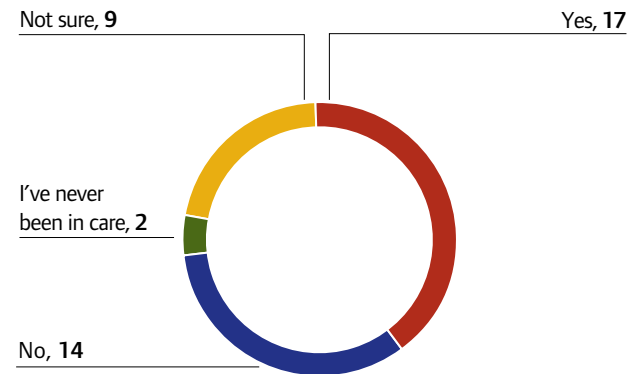
# The children who took part

Out of the 44 children who took part in the voting session, 34 told us their gender. Nineteen were boys and 15 were girls. Out of the 25 who took part in discussion groups, 20 were boys and five were girls. Of the 42 children who told us their age group in the voting session, seven were aged under 12, eight were aged 12 to 14, 22 (just over half) were 15 to 17, and five were aged 18 plus.

Because we were asking about courts as well as other recommendations about family justice, we asked at the voting session whether it had been a court that had decided whether the children should come into care. Figure 1 gives the answers. The numbers in the figure are the numbers of children and young people who gave each answer.

We asked this question to find out how many of the children and young people had experience of a court deciding on their care (rather than, say, being in a court for any sort of criminal offence). When looking at how many said they had not been put into care by a court, and the two who said they had never been in care, it is important to bear in mind that although we have found that children generally use the term 'in care' to mean that the local council looks after them or accommodates them, many children are actually 'accommodated' in a placement by their local council without being legally 'in care'. Legally, both children in care and children who are given accommodation in a placement but are not actually in care are called 'looked after' children.

Figure 1: Did a court decide you should have to go into care?



Numbers of children giving each answer out of 42 who answered this question.

We also wanted to know whether the children in our voting session had actually been in a court when it made a decision about their future lives. Out of 41 children who answered this question, 11 said they had been in a court when this sort of decision was made, and 23 said they hadn't. The other seven weren't sure.



# Giving children more say

We sent all the children and young people who were coming to the Space Centre events a question card to fill in and bring with them. Altogether, 59 handed in completed cards to us, out of the 66 who came to the events (some of these forgot to bring them with them, but filled new ones in when they arrived). The main question on the cards asked for suggestions on how children and young people can be given more say when a decision is being made about whether a child can stay with their parents or has to be taken into care. This is important as the Family Justice Review has recommended that courts should concentrate on this particular decision, and that children should be given more say in such decisions.

We then followed this up with discussion on this question in each of our six discussion groups. We did not give any suggestions of our own, either on the cards or in the groups, so all the suggestions here came directly from children and young people themselves.

In children's answers to our question cards, two main suggestions were given for how children and young people could be given more say in deciding whether or not they come into care. The first was simply that **children should be asked more often for their opinions – and listened to more**. Twenty children out of the 59 who handed cards in wrote 'ask' or 'listen' or both. The other main answer was that **more meetings should be held where children or young people feel able to have their say**. Fourteen of the 59 children proposed more meetings with children.

Two quotations summarise what many children wrote on their cards: 'want my own say, my voice heard'; 'be able to speak to the people who make decisions and get your point across'.

Children made a number of points in our discussion groups about how children could have more say when courts are making decisions about their lives. One was that **many children who had been to court did not think that courts listened enough to children and young people**. One group thought that the younger

a child was, the less their views or worries were listened to. As one young person put it, as you grow older 'every year you get listened to more'. Another group were concerned that you could go to court but still not get your chance to have a say in what was being decided about you. One person in this group said, 'Last time I went to court they said they'd let me speak, but didn't.'

We were told that judges need to hear what children think, and that for this to happen children need to be given time to think and time to give their views. Another view was that **children need to have someone they feel able to speak to on their own, and that they need to trust the person they are talking to**. Trusting the person doesn't happen automatically, but is important: 'Must be able to trust the person you are going to talk to.' If you don't feel you can trust that person, then 'you won't open up and everything will be bottled up'.

One of our groups discussed how different people children might already know and trust could help them to have their say in court. They suggested that for **foster children, their foster carers could help the child to record everything they wanted to say**, so that they didn't miss anything out. For some children, their **social worker might be someone who could help children to get their views across**. If a child didn't get on with their social worker, then an advocate could help them instead. The group heard from one child how they had had a very good experience with a **children's guardian**, who had listened to them well and got to know them personally, and then helped to get their views across to the court. The group agreed that it was important that a child has a choice of who might speak for them in court. Whoever it is, the child needs to feel comfortable with them, and the person needs to take the time to get to know the child personally first: 'You need to feel comfortable with them, not just go straight in and talk about serious stuff.'

Another point from our discussion groups was that **children should be able to say what they want for themselves, rather than someone else speaking for them in court.** A video link might make this easier for younger children, but someone else speaking for the child might still be necessary for a very young child or baby. Two groups told us that when adults speak on behalf of a child, they often don't say what the child wanted them to say. In one group, the children told us they had experienced adults putting words into a child's mouth. They also said that adults don't always listen properly, and then **when they write up what the child said, they misinterpret the child.**

Three groups told us that it is important that **a child or young person should be able to go to court and speak for themselves if they want to.** One young person said that they had wanted to go to court but were not allowed to go to have their say about what they wanted for their future life – they were told that

going to court would be too traumatic for them. **Not everyone would want to go to court and speak for themselves, though.** In another group, four children said they would definitely want to go, and two that they definitely wouldn't: 'You shouldn't have to if you don't want to.' What was important was being given the choice of whether or not to go.

One group agreed that a **court is a scary place** for a child: 'It's pretty scary, imagine all those big eyes looking at you.' But even so, children should be able to give their views in court if they want to, because 'the wrong decision could be made and that could make you unhappy'.

In one group, children said that **it is not only the decision about leaving home and going into care that matters to children, but where they are going to go once they are in care:** 'We should get a choice where we go!' In another group, children agreed with the person who said, 'It's your life!'



# Deciding whether a child should come into care

The review panel had recommended that courts should concentrate on the big decision of whether a child should stay with their parents or be moved from their parents to come into care. We asked children and young people exactly what they thought should be looked at before making such a decision. We asked this both on our question cards and on the screens and keyboards at the Space Centre events. We asked those coming to our events this key question in two different ways so that we could check that they would give us the same pattern of answers on both occasions. Again, we did not make any suggestions of our own, either on the cards or on the screens, so again the proposals below are the advice of children and young people themselves.

From the answers on our question cards, the children and young people most often advised that these three things should be looked at before anyone makes a decision that a child should leave their parents and come into care.

- Is the child being looked after properly at home? (proposed by 23 children)
- Is the child safe? (proposed by 12 children)
- Is the child happy to come into care? (proposed by 12 children)

From the 59 children and young people who handed in question cards to us, these three top answers give a very clear message: **whether a child should leave their parents to come into care needs to be decided by how their parents are looking after them and how safe they are at home – but also the child’s own views about the possibility of leaving home and going into care.** As many children told us that the child’s views were important as the number who told us that the child’s safety was important.

The children and young people did say the same when we checked by asking them again through the screens and keyboards. One answer from the keyboards stood out above all the others. That was that **before deciding whether or not a child should be moved from, or stay with, their parents, the court should look at the child’s safety and their welfare while being looked after by their parents.** Over three out of five children and young people who answered this question included this in their answer. Again, the child’s own wishes came next.

From the keyboards, two other answers were included in the top four. Here is the full set of the top four answers.

	Number who suggested this (54 answered the question)
How the parents are looking after the child’s safety and welfare	30
The child’s wishes	7
The house and environment they live in	6
Evidence from people like social workers	5



The next most usual things included in children's answers to this question were that courts needed to look at the behaviour of the child, and to make sure that they thought about the child's best interests. Each of these points was made by four children.

Examples of what children wrote on their entry cards and on the keyboards are: 'see how they are getting looked after and that they are safe'; 'they should look at the risks that are in place within the family'; 'how the child is getting on at home and if the child is safe to live with his or her parents'; 'if the parents are able to look after their children'; 'whether their parents can cope and if they are safe and in a stable home'; 'their records, state of the house, and how the parents deal with their behaviour'.

On asking the child's wishes, one child summarised this for others by saying that courts and judges must 'talk to the child involved'. Someone else wrote

that children should be asked 'where they want to be'. Another said there should be 'evidence of what the kids and the adults say'. One described getting evidence from different people: 'Talk to the parents. Talk to the child. Talk to the social worker. And the teacher.' One child reminded us that one of the points of asking the child for their views and wishes about leaving home to go into care is to help to assess 'what sort of effect it may have on the child'.

One young person's summary of what should be considered took on board many of the things other children wrote: 'What the child or young person really wants, what is best for the child (safety, emotional well-being, being with brothers and sisters), has everything been taken into account?'



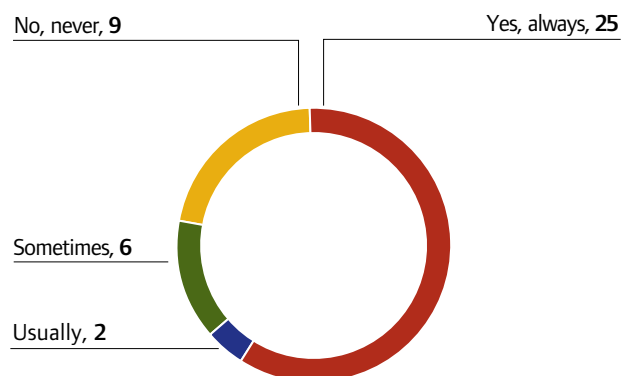


# Verdicts from the voting session

Each of the questions we put to the children and young people at the voting session came from the findings and recommendations of the Family Justice Review Panel. We worded the questions to test out what children thought of these, and checked our wordings with the Ministry of Justice officials who had worked with the review panel.

Our first question came from the recommendation that a new Family Justice Service should have the interests of children and young people at the heart of its work.

**Figure 2:** When making decisions that affect a child, should courts put children first?

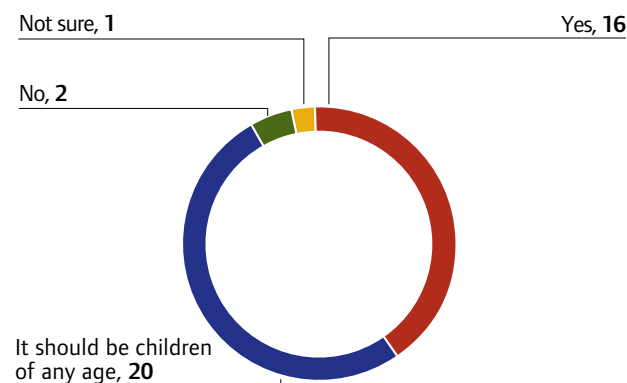


Numbers of children giving each answer out of 42 who answered this question.

From this vote there was clearly **very strong support from children for courts always putting the child first when making any decision that affects a child**. However, it is important that nine children thought that the child should never be put first, ahead of other people, and another six thought that it was only sometimes right for the child to be put first. We heard more about this in our discussion groups, which appear later in this report.

The review panel recommended that children should be able to make their views known in their cases, and that 'older children' should be offered a number of different ways in which they could do this if they wanted to. We based our second question on this recommendation for older children.

**Figure 3:** Older children should be given a set of choices on how they want to have their say when courts make decisions about their lives. Do you agree?



Numbers of children giving each answer out of 39 who answered this question.

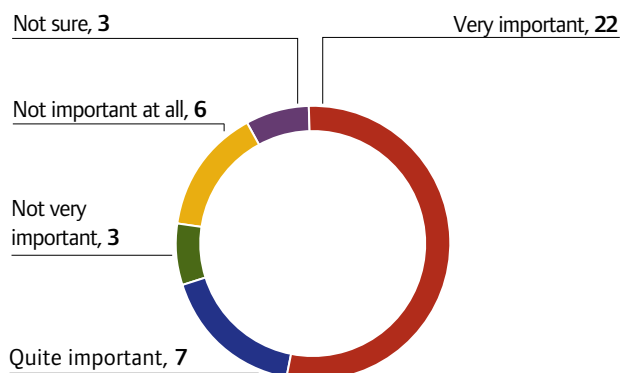
**There was very strong support indeed for children having a set of choices on how they should have a say when courts make decisions about their future lives. Thirty-six out of the 39 children and young people who voted on this thought they should. Importantly, though, just over half of all the children who voted on this recommendation thought that children of any age should have a set of choices on having their say, and not only children over any particular age.**

The panel made another recommendation about giving children a say in court, saying that hearings could be held in different courtrooms and that children could have their say by telephone or through a video link. We put this recommendation to the children in our voting session. The majority, **26 out of 37 children who voted on this, supported the idea of giving children a say in different courtrooms by telephone or video link, with only six voting against.**

The review panel also recommended that once a judge had started to hear a case about a family, that same judge should stay with the case at each hearing.



**Figure 4:** How important is it to have the same judge each time a case goes to court?



Numbers of children giving each answer out of 41 who answered this question.

Our voting session showed **strong support for the panel's recommendation that the same judge should hear a child's case each time it goes to court.** Overall, 29 children voted that this is quite or very important, and only nine voted that it is not very important or not important at all.

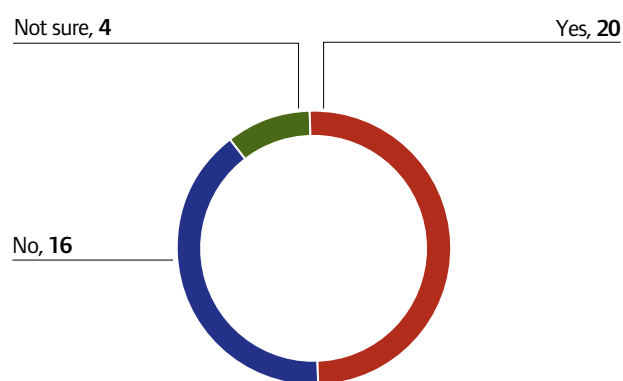
Children in care should each have an Independent Reviewing Officer, to make sure that they have a say in their care and care plans, that their care plans are right and are carried out, and that the council is doing what it should do for the child as somebody in its care. The Family Justice Review Panel recommended that courts and children's Independent Reviewing Officers should work more closely together in the future. We asked children in our voting session whether they agreed with this recommendation.

**The children and young people very strongly supported the recommendation that courts and Independent Reviewing Officers should work more closely together.** Out of 36 who voted on this question, 30 voted to agree with the recommendation, and only three voted against, with three saying they weren't sure.

The panel recommended that courts should concentrate on decisions about whether or not a child should carry on living with their parents. Other decisions about their care after that could be made

by the local council. We asked the children to vote on whether or not they agreed with courts and judges making the decision about whether or not a child should stay living with their parents when the local authority is worried about their safety at home.

**Figure 5:** When a local authority is worried that a child might not be safe at home, courts and judges should decide if the child should stay with their parents or not. Do you agree?



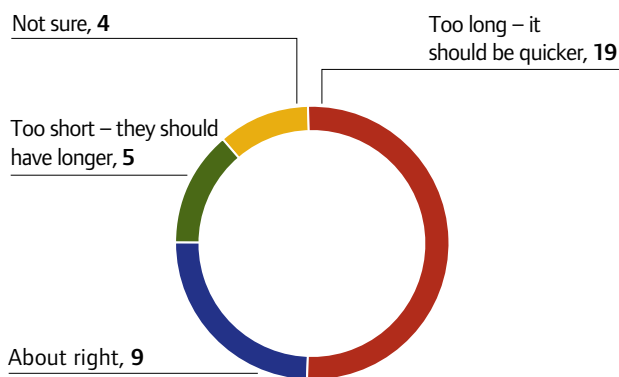
Numbers of children giving each answer out of 40 who answered this question.

A majority in our voting session supported this proposal. **There were 20 votes in favour of the recommendation that when a local authority is worried about a child's safety at home, it should be the courts and judges who decide whether or not the child should stay with their parents. Sixteen voted against,** while four were not sure.

The next question was about how long courts should be given to reach a decision on whether or not a child should be taken into care. We told the children and young people that it currently takes about a year on average for courts to decide whether or not a child should be taken into care, and that the panel thinks this is too long.

We asked the children to vote on the panel's recommendation that the law should give courts a six-month time limit to make their decisions about taking a child into care.

**Figure 6:** Courts should have no more than six months to decide whether or not a child should be taken into care. Is this...

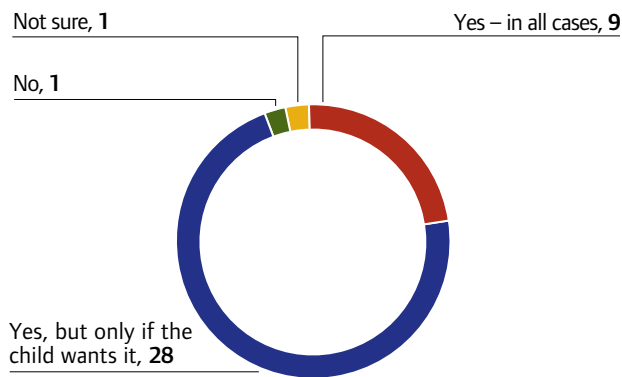


Numbers of children giving each answer out of 37 who answered this question.

The majority of the children and young people in our voting session did not support the panel's recommendation that courts should be given no more than six months to decide whether or not a child should be taken into care. Half the children who voted on this said that six months is too long, courts should make decisions about care more quickly than this. Five other children disagreed with the recommendation, but thought that six months was too short. Only nine out of the 37 children who voted supported the six-month recommendation.

Another recommendation from the panel was that the law should say that it is important for a child to have a good relationship with both parents if their parents have separated, as long as this is safe. Our next question was about this recommendation, and about who should have a say in keeping these relationships.

**Figure 7:** If a child's parents separate, should the law say that there should still be a good relationship between the child and each of their parents, as long as this is safe?



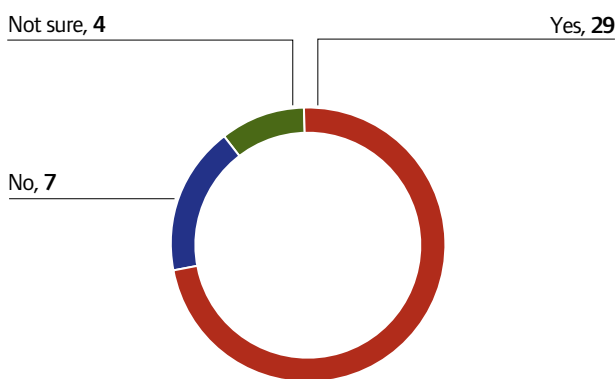
Numbers of children giving each answer out of 39 who answered this question.

The children and young people's verdict on this recommendation was extremely clear. The strong majority view, from 28 of the 39 children who voted, was that whether a relationship should be kept up between the child and each of their parents after they have separated should depend on whether the child wants this relationship, and this is what the law should say. Only nine out of the 39 voted that the law should say this relationship should be kept up in all cases. No child voting supported the idea that relationships should be kept up if either of the parents wanted it, without the child also wanting it.

'Either you are part of their life or not'

Another of the panel's recommendations about what should happen if a child's parents separate was that they should try to agree a plan between them for how their child should be cared for. This would be called a Parenting Agreement. We used our voting session to test children's views on this.

**Figure 8:** If parents separate, the law should say that they should have a written plan saying how they are going to care for their child. Do you agree?



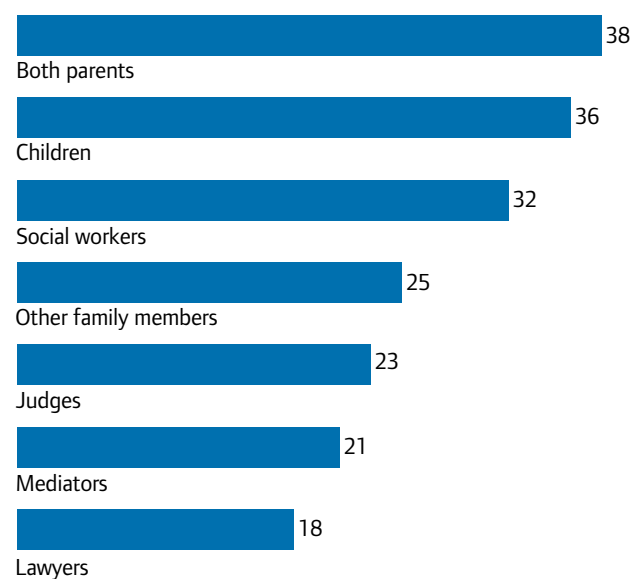
Numbers of children giving each answer out of 40 who answered this question.

This recommendation, for a **'parenting agreement'**, got very strong support from the children in our voting session. **Twenty-nine of the 40 children voted in favour of the law saying that there should be a written plan saying how parents will care for their child after they separate, with only seven voting against.**

**'Young people should get a say in who they live with and who they spend time with'**

Our next question was to find out who children and young people thought should have a say in what such a plan, or parenting agreement, said. On this question, we put a list of possible people on the screen, and asked children to vote for as many of the different people on the list as they wanted to.

**Figure 9:** Who should say what goes into this written plan?



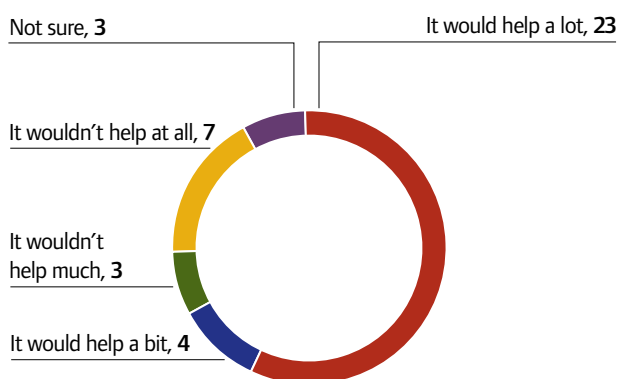
Numbers of children voting for each option. Based on answers from 40 children, who could choose more than one option.



The children were clear on who they thought should have a say in what goes into a parenting agreement. Three types of people got the support of over three quarters of the children voting on this question. These were both parents, followed closely by the children themselves, and then social workers. Other family members came next on the list, but some way behind the three top ones on the list. Lawyers came last on the children’s list, well below social workers.

The last recommendation from the panel that we put to the vote was that whenever parents go to register the birth of a baby, they should be given a leaflet telling them about their responsibilities as the child’s parents. We asked what the children thought of this.

**Figure 10:** When a child is born, would giving their parents a leaflet telling them what their responsibilities are help them to be better parents?



Numbers of children giving each answer out of 40 who answered this question.

Children gave strong support to the idea of giving the parents a leaflet when any child is born, setting out their responsibilities as parents, as a way of helping them to be better parents. Twenty-seven voted that this would help them a lot or a bit to be better parents, against 10 who voted that it would not help much or not help at all.





# Training for judges

We used our screens and keyboards to ask children and young people three questions at our two consultation days. We have already reported how they answered the first question, which was to confirm their views about what courts should look at before deciding whether a child should leave their parents to come into care.

The second question on the screens and keyboards was about training for judges. The panel recommended that judges working with children should specialise in this sort of work. They also recommended that people working with children in the courts should be given training before they start. We used the screens and keyboards to ask children to tell us what training they thought judges should get before they could deal with children's cases.

Here were the four types of training that children and young people most often told us judges should be given.

	<b>Number who proposed this type of training</b> (54 answered the question)
Good communication skills	24
How to get to know a child	24
Understanding children	21
Special qualification (eg law, child protection)	11

As well as training in legal issues and particularly child protection, **the children's main message was that before judges work with children, they need training to make sure that they are able to get to know, understand and communicate well with children.**

In the words of some of the children, judges 'should learn about children first'; have 'more of an understanding of what is going on with kids and how kids are'; and should be able to 'get the opinions from a child's point of view'; they should have 'training in talking to children kindly' and 'listening skills, dealing with children, knowing what point of view children are coming from'. One child wrote of their particular experience, saying, 'Listening, they're not good at that, they don't know the child's point of view, they just read the case.'

Where children wrote about qualifications, they were clear that judges do need very high levels of qualification in the legal matters they are dealing with – as one child put it, they need a 'very qualified qualification'.

Four children said that as well as training, it was important that judges went through police checks before working with children.

# Making courtrooms ‘child friendly’

In its recommendations, the panel said that hearings that do not need to happen in a courtroom should be held in rooms that are as ‘family friendly’ as possible. We asked children to use the keypads to tell us what, for them, would make such a room ‘child friendly’.

Here are the things most often suggested for courts to use to make a room child friendly. (These are all the suggestions that came from more than five children.)

	<b>Number who suggested this</b> (55 answered the question)
Toys in the room	18
Pictures or posters on the walls	13
Colourful decoration	13
Comfortable seats or a settee	10
Plenty of space and not crowded	6
Quiet	6
Private	6

There are some clear messages here from children themselves on what would make a room child friendly for a court hearing. **The room itself needs to be quiet and private, big enough to feel spacious and not crowded, colourfully painted and decorated. The most important furniture to have is comfortable seats, and many children suggested settees for them to sit on. There should be pictures or posters on the walls, and toys or other things to do in the room.**

Some of the children commented in their answers that the decorations, pictures, seats and toys or games need to be right for the age of the children or young people using the room – the same things won’t suit all ages.

One child summed up what many had said about having toys and things to do in the room to help children relax and feel comfortable there: ‘If I don’t like something I need to be able to fiddle with something to help me talk. It helps me to concentrate especially when I’m stressed or upset about something.’

As well as practical things about the room, some children wrote that it is important that things are not made to feel too formal in the room, that adults talk properly with the children, and that people aren’t dressed unusually or formally. One child added that to keep things informal for children, nobody should sit at a higher level than anyone else. Some wrote that as well as having toys, or games for older children, paper, pens, colouring books and crayons would help many children to relax and talk more easily.



# The discussion groups

We wanted to hear more from children about some of the issues we had included in our voting session or asked about on our screens and keyboards, as well as discussing some other issues the review panel itself had discussed. We used our discussion groups to do this.

Twenty-five children joined one or another of our six discussion groups. Every discussion group covered a set of subjects from the review panel's interim report. We have already reported in an earlier section of this report on the discussions about what should be looked at before courts decide whether or not a child should leave their parents to come into care. In this section we have summarised the points that children made in all these discussion groups, on each of the other subjects that we asked them to discuss.

## Bringing judges, children's guardians and the courts together into one 'Family Justice Service'

We explained to our discussion groups that children in care have told us that there are sometimes too many different people involved in their lives. The panel had recommended that there should be just one 'Family Justice Service' in the future, with judges, children's guardians and the courts all in the same organisation, instead of in lots of different organisations like now. We asked what they thought of this idea.

All the children in one group told us they thought this was a good idea. In two other groups, some of the children thought it was a good idea. A third group thought that **there must be a reason for these different people being in separate organisations now, and though some of them might work better if they came together in one organisation, it might still be best for some of them to stay separate. Bringing some together in the same organisation might help them to work together to make the right decisions for children.** In another group, children thought that if more people worked in the same organisation, this might mean that children did not have to tell things to lots of new people.

One group told us that in their view, the number of different people they saw in their lives in care, some of them not very often, was OK at the moment. They talked about social workers, children's guardians and independent visitors as key people with their own different jobs to do for children.

## Judges deciding whether or not a child should stay with their parents if the council is worried that child might not be safe at home

Three main points came from across our discussion groups on this. The first was that **children and young people themselves should have a major say in decisions about their future and whether they come into care.** It was clear from one discussion that the children did realise that sometimes something needs to happen, even if the child doesn't want it to. One child summed this up by saying that a child might have to come into care 'because you need to stay there, not because you want to'. Another group advised that children will naturally tend to want to stay with their parents, even if it is best for them to leave, and therefore children should have a big say, but not the final say. How much say a child has should also depend on how old they are. Babies and very young children will not be able to have much say, but a 15-year-old may take a lot of responsibility for the decision that is made.

Secondly, many children in our groups thought that **social services should have a major say**, either making the decision or making the decision jointly with the young person concerned or with a judge: 'If parents screw up, kids will have to go, the social worker should decide.'

Thirdly, **there were worries about how judges might make decisions about children's futures.** For example, children in one group were worried that judges might be harder on children and parents than other people might be. Others thought that whether judges got involved should depend on exactly what parents were accused of doing. Another group

thought that a judge should reach a decision on what is best jointly with the young person. Two other groups said that they were worried that **judges might not know enough about everything that is going on in a child's life**, or about how the child feels about things. Judges might go by what someone else wrote in a report: 'It's a lot of responsibility for someone to judge someone from a piece of paper.'

### Making sure every child in care has a care plan that is right for them

There were children in care in each of our six discussion groups who told us that they did not have a care plan. For example, in one group, only two out of the six children in the group said they had a care plan.

There was **strong support for care plans being written together with the children they are about.**

Ideas raised in the discussion groups for making sure each child has a care plan that is right for them included: the child sitting down with the person writing the plan and correcting things if needs be; making sure that the plan says what contact with their family the child wants; including what outings the child should have; making sure the plan is individual to the one child; every care plan being signed off by the child or young person it is for; having a system for children to object to their care plans; social services simply making sure that no child is without a care

plan; judges being able to get involved in care plans; Independent Reviewing Officers being able to change a care plan if the child is not happy with it; if the child has special needs, the plan including what support the child needs for those ('if you are 15 and have special needs, it's a different story').

In one group, we were told that children in one home are asked to sign their placement plans to show that they agree with them – but they are expected to sign and there is a punishment if they refuse to sign.

One group thought that the way children should have over their plan has to depend on how old they are: 'If you are six, you're going to be thinking about something else like teddies – when you are 10 you know right from wrong.'

### What should go into a 'parenting agreement' between parents who are separating, about how they are going to care for their child?

Given the panel's recommendation that when parents separate, they should make an agreement (a 'parenting agreement') saying how they will care for their child in the future, we asked children and young people what they thought such an agreement should cover. The ideas, from across all our group discussions, are listed below.

#### What should go into a parenting agreement?

- How much contact the child should have with each of their parents
- Where the child should have contact with each of their parents
- Who will have custody of the child
- Whether or not the mother should get custody as is usual
- Where the child is going to live
- How both parents will spend time together as a family with their child

'If parents screw up,  
kids will have to go'

- Both parents taking the child on trips
- Arrangements over money for their child
- What relationship the child should have with each of their parents
- Whether each parent should have equal time with the child
- The parents keeping each other informed of what they are doing with the child
- What boundaries there should be
- Whether other family members, such as grandparents, should be involved with the child
- What school the child will attend
- How brothers and sisters will be kept together
- If brothers and sisters will live separately, how they can keep in touch – including using social networking sites

In one of the groups, children strongly advised that **whatever agreement parents might make with each other, no parent should be allowed simply to walk into and out of the child's life:** 'Either you are part of their life or not.' Two groups advised that **the child, as well as their parents, should have a real say in what the agreement laid down.** It was said in one group that children do know their parents. A social worker might help to make sure the agreement is made fairly, and that, for instance, a younger child is not put under pressure to agree to things they don't want. The agreement should keep in mind the rights of the child and all the other people involved in it. One child summed up what many said: 'Young people should get a say in who they live with and who they spend time with.'

One group told us that it is sometimes very **difficult for a child to say what they want to say when their parents are disagreeing with each other.** The child doesn't want to upset either of their parents. A professional like a social worker or a children's guardian, or the court, may need to help with this

(though some in the group thought that courts would take too long). Children in this group were less happy with someone from their school, even the member of staff with the particular job of helping children with difficulties or children in care, being asked to help. They were not sure about how confidential they would keep things: 'You don't know her or who she is going to tell.'

One group raised the question of **keeping brothers and sisters together**, and said it was important to live together rather than just have contact with each other: 'kids should always be together; 'if you grow up separately, you wouldn't know each other and wouldn't be able to talk'.

### What could be done to find out whether courts are making the right decisions for children?

Each of our groups thought that it was **important for courts to check that they were making the right decisions for children.** As one group put it, they need to see what happens after they have made a particular decision for a child: 'wait till it happens, then see whether it's right or wrong', so that you can 'see if you've made any progress'. One group thought that someone higher up should check the courts were making the right decisions.

'Check whether the decision made is good enough for the child'

The groups suggested that checks on what happened after a decision should be made with the child's parents, social worker, carers and other professionals like their doctor. The child should be spoken to after a court decision had been carried out, to see exactly what is going on for them, whether they feel safe, and they are happy with what is going on. One group proposed that monthly checks should be made after the court has decided what should happen, to see how the child is doing and to check the court's decision: 'whether the decision made is good enough for the child'.

### When decisions are being made after a family splits up, who should be put first as the most important person or people?

The overall view of our groups was that **the child is the most important person to consider when a family splits up** and when making decisions about what should happen afterwards. One group gave us a clear list of the order of importance in a family that is splitting up: the child should come first, followed by the parents, then the grandparents, then other family members – and then the dog. A different group added brothers and sisters immediately after the parents.

One group told us this reason for putting children before adults in importance when a family splits up: 'Adults have had their time to grow up, now it's yours.'

Other points were also made about this in the discussions. There were two different views in one group. Some said that the child should usually be put first because the child is probably the most vulnerable person, but others said that both parents and children should be given an equal chance. Parents should usually be given the chance to show that they can be better parents. Even though children are always vulnerable when parents split up, 'it is not always the parent's fault, sometimes it is the child's fault, so the child should not always be put first'. The same group also thought that social services sometimes made parents do things they did not want to do, and that should be taken into account.

### If a child in care has a disagreement with the council, who would be the best to sort it out – a court, complaints people or an Independent Reviewing Officer?

Our six groups came up with lists of **many sorts of people who would be good at sorting out disagreements with the council for a child in care**. The list included foster carers, who know the child well, or, for children living in a children's home, the manager of their home. It also included social workers, children's guardians, advocates, children's rights officers and youth offending team workers, as well as the child's parents. Some suggested that their child friends might help them sort out disagreements with the council, and one group suggested that an adult friend might also be helpful to call upon. One group was worried that although social workers were in a good position to help sort out disagreements, the fact that they keep changing might mean that they were not so good to choose in practice. Having the same one working with you for a long time would be better for sorting out major problems or disagreements for you. A social work manager might also be helpful.

One group said that judges would be good people to sort out disagreements between children and the council looking after them, and it would be helpful to go back to court with these disagreements. A different group thought that solicitors might help with disagreements. This group also split 50-50 over whether a court would be helpful in sorting out disagreements. Those who thought it might not be were concerned that a court would not listen well to the child's views in the disagreement.

None of our groups told us that they saw Independent Reviewing Officers as people they would go to to sort out a disagreement between themselves and the council looking after them.



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