

## **Response to the Inspection into the work of the Jersey Family Court Advisory Service (JFCAS) in private law matters.**

1. The Service was delighted to receive such a positive report from the Inspectors: Patricia Ingram and Gill Timmis - two experienced practitioners and managers who spent three days interviewing staff, judges, families and Advocates as well as reviewing files. The Service is grateful for the thoroughness of their work and their recommendations to help JFCAS to continue to develop practice.
2. The Chief and Assistant Chief have recognised the Inspectors endorsement of JFCAS workers who are described as “hard working and committed to their work”. In terms of the file reading undertaken, two types of reports were inspected. First, the short pre Case Review Hearing Reports which highlight the core issues around an application with a view to either resolving the matter quickly or advising the Court about a full report and the likely nature of future enquiries. Second, full reports were inspected which entail interviews with the parties, children and significant people in the child’s life.
3. Both forms of report received praise from the Inspectors for their objectivity, thoroughness and clarity. They were invariably regarded as well written with none being deemed to fall below an acceptable level. The full reports indicated that children had been seen in every case and that their views had been clearly explained to the Court. Reports were delivered in timely fashion and the content and recommendations deemed relevant to the issues in dispute.
4. It was reassuring to read the positive feedback from significant stakeholders. The Registrars reported that they were very happy with the service they received whilst, for the most part, Advocates felt that the reports were objective and written to a high standard. It is particularly pleasing that children and parents reported a positive experience in their dealings with JFCAS, which invariably take place during a time of uncertainty and stress for them.
5. The Review concludes by stating: “JFCAS offers a very professional and high quality service to the Courts, parents and children. There are no areas where the concerns were such that practice was not seen to be acceptable”. Nevertheless, the Service welcomes several recommendations made in the course of the Review and will comment on these in turn, together with its own reflections about developing future practice.

## Recommendations

### Layout and content of reports.

6. In pre CRH reports it would be useful to record all the checks that have been made and the results, which have been returned, regardless of whether they provided evidence.

***Response. Agreed. This has become operational from September.***

7. A review of the template used for the pre CRH reports would be useful. Consider numbering the paragraphs of the pre CRH report and using a front sheet that records the nature of the application, any orders in place and the age and ethnicity of the child. An initial brief paragraph could outline the child's circumstances including with whom they live and the contact arrangements, whether and why contact had stopped or perhaps the dates of any significant events. This initial paragraph could also include the names and relationships of significant adults and siblings

***Response. Agreed. Numbering the paragraphs is likely to make references easier in Court. An introductory paragraph about the current circumstances of the child could also be useful. JFCAS is developing this with a view to introducing it into pre CRH reports by the end of October.***

### Communication

8. Consider providing a brief written update report if, when JFCAS workers subsequently speak to the parties, new, relevant information is provided.

***Response. There will be cases when, after submitting the report to Court, the JFCAS officer is made aware that the circumstances have changed in the family. Where these are insignificant, the parties are advised to inform the Court through their legal representatives on the day. This prevents the possibility of regular minor amendments being submitted to the Court. Where there is a significant development that substantially affects the recommendation of the report then JFCAS officers will consider providing a written update.***

9. Ensure that all communication with Courts and Advocates are recorded on the client file.

***Response. Agreed. A feature of the Inspection was the recognition of the positive relationships between the Court and JFCAS. However, it is important that all professional communications are recorded on the client file- including discussions with lawyers.***

## Practice

10. Consider how children should be advised of what has been decided at the end of proceedings and whether the JFCAS worker should visit the child to explain that their involvement is ended. JFCAS would need to decide whether the service has adequate resources to enable this practice.

***Response. To visit every child to explain that JFCAS involvement has ended would pose some difficulties not only with resources but, just as importantly, over the appropriateness of a JFCAS worker doing this when there might have been a gap of over a month since the child was last seen. Where children are old enough to understand, the JFCAS officer will explain the process to them when they are seen during interviews for the report. The officer will repeat the same message to the parents in order that the child can be reminded if necessary.***

***There have been cases where the JFCAS officer is concerned as to how the child will hear of the Court's decision, which can of course have a significant bearing on issues such as where the child might live. In these cases, the officer has alerted the Court, which has asked the parties to allow the JFCAS officer to be present when the outcome of the decision is relayed to the child. For instance, this might be important in cases where it is felt that a parent might further try to alienate the other party.***

***In terms of ongoing practice, JFCAS officers will discuss with parents the subject of the forthcoming Court decision and how and where this is going to be communicated to their child(ren). In cases where there is ongoing concern about this, the JFCAS officer can explain this to the Court in order for an undertaking to be established with the parties as to the most child focussed method of explaining the court's decision. This might involve the JFCAS officer in appropriate cases.***

11. In cases of removal from Jurisdiction consider whether a more equivocal recommendation could be made in appropriate cases thus ensuring that the Court took full responsibility for the decision of the Court.

***Response. There will be occasions when the JFCAS officer feels unable to make a firm recommendation about the merits or otherwise of the child leaving the jurisdiction. Providing that the evidence for this depicts an impartial approach that has thoroughly considered the potential advantages and disadvantages then this is reasonable. However, it is the view of JFCAS that, where the report author has a firm view about removal from the jurisdiction, then it is incumbent on that officer to articulate it and ensure that recommendations are based on evidence.***

12. Consider the possibility of other officers gate keeping reports so that alternative views can be gained and good practice shared.

***Response. This is already occurring. The Inspection, however, has highlighted the importance of reviewing the gatekeeping pro-forma which is not always completed by the reviewing officer. Whilst this form encourages an analysis of equality and diversity in relation to the child, it does not direct the same considerations on behalf of the parents – this was an issue that was raised in paragraphs 9 and 24 of the Inspection. The JFCAS team will review the gatekeeping document and introduce an amended form by the end of December 2015.***

***The manager of JFCAS has developed monthly practice meetings where colleagues can introduce cases to one another and receive advice as well as challenge. This is felt to be an important component of ensuring that work is scrutinised and that staff receive every opportunity to provide work to high standard.***



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