



States of Guernsey  
Family Proceedings  
Advisory Service

## 2019 Annual Report



Family Proceedings Advisory Service  
Guernsey Information Centre  
North Esplanade  
St Peter Port  
GY1 2LQ

## Contents

	Page
<b>1. Mission Statement</b>	<b>3</b>
<b>2. Background</b>	<b>3</b>
<b>3. Governance</b>	<b>3</b>
<b>4. Summary</b>	<b>4</b>
<b>5. Statistical Summary</b>	<b>5</b>
<b>6. Mediation Service</b>	<b>8</b>
<b>7. Staffing</b>	<b>10</b>
<b>8. Staffing levels during 2019</b>	<b>10</b>
<b>9. Progress on objectives from 2018</b>	<b>10</b>
<b>10. Data Protection</b>	<b>11</b>
<b>11. Service priorities and objectives for 2020</b>	<b>11</b>
<b>12. Performance monitoring</b>	<b>12</b>
<b>13. Key Performance indicators</b>	<b>12</b>

# **Family Proceedings Advisory Service Annual Report 2019**

## **1. Mission Statement**

To provide a high quality independent Family Advisory Service for children, young people and families in Private and Public Law proceedings, including the Child, Youth and Community Tribunal (CYCT), and to actively promote Mediation to divert Private Law cases from the Court arena. The main purpose of FPAS is to safeguard and promote the welfare of the child by advising the Courts and the Children's Convenor

To contribute to continually improving services for children and young people within the Bailiwick.

## **2. Background**

The Safeguarder Service (now known as the Family Proceedings Advisory Service) was established under the Children (Guernsey and Alderney) Law, 2008 ("the Law") to safeguard and promote the interests of children and young people in Public and Private proceedings under the Law. The Service has a legislative responsibility to produce an annual report detailing its activities in the previous year for consideration by the Committee *for* Home Affairs and in the interests of good governance the Committee has agreed that the Annual Report should be made available to the public.

## **3. Governance**

The Children Law 2008 and associated ordinance gave provision for a Safeguarder Service Advisory Committee (now known as the Family Proceedings Advisory Committee).

The Children (Miscellaneous Provisions) Ordinance 2009 states that the Advisory Committee is responsible for:-

- Advising on policies and procedures for the Service's functions to be carried out by Safeguarder's (now known as Family Proceedings Advisers (FPA));
- Advising on policies and procedures for the exercise and performance functions, powers, and duties of Family Proceedings Advisers;
- Ensuring arrangements are in place for monitoring the effectiveness of the services provided by Family Proceedings Advisers, and
- Advising on any other matters that arise in relation to the Service that may be brought to its attention.

In practice the Advisory Committee meets three times a year; membership is made up from representatives of: the Royal Court, the Family Bar, Health and Social Care (HSC) Children's Services, Legal Aid, the Office of the Children's Convenor, and Greffier's both Guernsey and

Alderney. There is a Voluntary Sector representative and the Advisory Committee is chaired by the Chief Secretary of the Committee *for* Home Affairs. In the absence of the Chief Secretary the Director of Operations will Chair.

#### 4. Summary of the Year

This report is the twelfth annual report of the Service and details the work of the Service in 2019.

The Service has a legislative basis under the Children (Guernsey and Alderney) Law, 2008 and has three core objectives, namely:-

- To provide appropriate and expedient independent advice to Family Courts and the Child, Youth and Community Tribunal process;
- To safeguard the interests of children in Family Court proceedings;
- To provide an effective mediation service for parties of Family Court proceedings in line with best practice.

Family Proceedings Advisers fulfil the role of ensuring that a child's interests are appropriately and independently represented in proceedings. This is a varied and challenging role.

In 2019 the focus continued to be the implementation of the recommendations of the Ofsted report received in November 2017.

The Ofsted recommendations were in three sections:-

##### **Section 1 Practice guidance and the management of the service.**

There have been significant changes in practice in this area since the Ofsted report. Practice guidance is continually updated to ensure that practitioners are clear about their roles and responsibilities. The structure and length of Court reports are monitored by the Manager to ensure that these are proportionate and meet the needs of the Court. A planning document is produced for each case and this is audited by the Manager. FPAS continue to work with the Courts to ensure that attendance at Hearings is necessary.

The recommendations regarding the appointment of a specialist manager and updating of the Client IT database were achieved in 2018 and the opportunity has been taken to ensure there have been ongoing development throughout 2019.

##### **Section 2 Delay**

Achieving progress in this area and shortening the time frames within which cases involving children are dealt with, is largely dependent on wider changes throughout the family court system.

FPAS has however been proactive throughout 2019 by making adjustments to internal processes to guard against delay for children as follows:

- Researching and producing an advisory paper on the use of Experts in the Family Court providing statistics and looking at the criteria for appointing Experts. This was presented to Family Court User Group as part of the ongoing work to tackle delays in the system.
- Implementation of a triage system which is now used on all cases and includes assessment for Mediation.
- Refocussing of limited resources resulting in FPAS no longer offering a service to clients following the closure of their case.
- Introduction of rapid client engagement so that as soon as FPAS is appointed, contact is made with the family and information provided on the process.

### **Section 3 Partnership**

As a result of a concerted effort tangible progress has been achieved in this area in 2019. The FPAS team has been proactive in sharing its concerns with the other key agencies involved in court matters involving children. This helped lead to the initiation of the wider review being conducted into the of delay in cases in the Bailiwick involving children interfacing with the courts commissioned as a result of discussions with the Islands Safeguarding Children Partnership.

The family justice system was also included in the Justice review undertaken by the Committee for Home Affairs. Throughout 2019 the FPAS Manager provided data and information as requested to the Review process, which although focussed on criminal justice has nonetheless branched out to recognise all aspects of justice delivery including representing the interests if the child. The FPAS Manager has continued to work in partnership with other agencies in the public sector such as Health & Social Care(HSC), Housing and Education also with third sector agencies such as Safer, Citizen Advice and Victim and Witness Support.

In 2019 The Family Proceedings Service experienced a significant increase in referrals and this, coupled with sickness absence heightened the workload pressure on the service.

During 2019 there was only a period of four months when the staff team was operating with a full complement. This was due to two out of six members of staff requiring significant time off due to serious illness. As a result there was a significant reduction in operational capacity at the beginning and the end of the year. The main risk was managing workloads and Court expectations through a period of reduced operational capacity. The Manager was required to continue to undertake a large case load to ensure that the commitments of the FPAS could be met.

Despite these pressures 2019 remained a positive year for building upon existing partnerships and contributing to wider reviews which, in the fullness of time, are likely to shape the future of services to children in the courts.

## 5. Statistical summary

The Family Proceedings Advisory Service was involved in 291 live cases during 2019 in comparison to 246 cases in 2018 this is an increase of 18.29%.

This comprised of ongoing cases from previous years:-

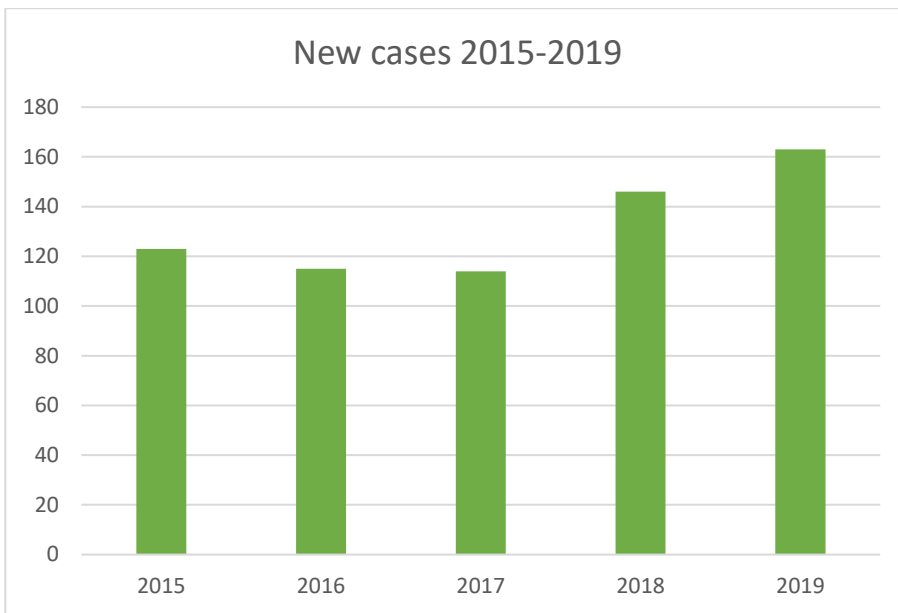
2 from before 2015

1 from 2015

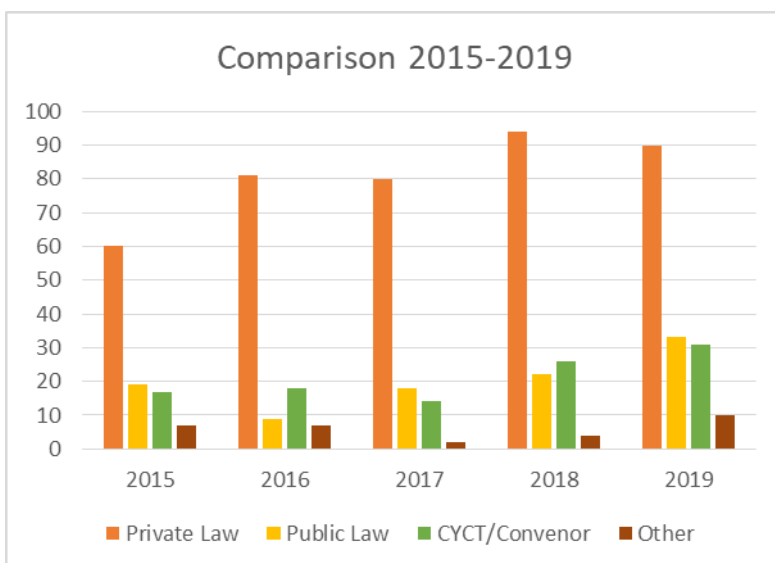
4 from 2016

24 from 2017

96 from 2018



There were 163 new referrals from the Court and CYCT in 2019 compared to 147 in 2018 this is an increase of 10.8%.



There were:-

31 new referrals in 2019 from the Child, Youth and Community Tribunal (8 from the Convenor and 23 from the Tribunal) compared to 26 in 2018 this is an increase of 19%. FPA's were expected to attend 114 Tribunal hearings during 2019. During the Tribunal process hearings have to take place every 28 days. Tribunals are meetings attended by professionals involved with the children and family and the significant adults with relationships to the children.

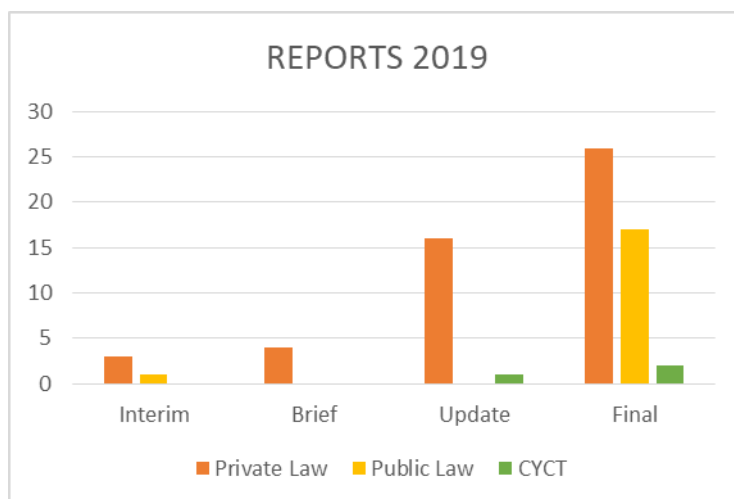
9 Adoption applications in 2019 compared to 4 in 2018 an increase of 125%.

90 Private Law cases in 2019 (from the Magistrate's Court and from the Royal Court) compared to 95 in 2018, this is a slight decrease of 5%.

33 Public Law cases (where HSC is involved with the children) in 2019 compared to 22 in 2018, this is an increase of 50%. This increase has had a major impact on FPAS during 2019. There has been a general rise in Public cases year on year since 2016. The time commitment for the Public Law cases is great and can go on for several months. This has an impact on the amount of cases an FPA can hold.

All cases are triaged (to decide the order in which they should be allocated) by the Manager or an FPA deputising to ensure that risk is identified and managed. Cases are considered on an individual basis and priority is given to domestic abuse, drug and alcohol issues and cases where contact is not currently taking place. If there are child protection concerns the appropriate referral will be made.

Public Law applications are given priority and are allocated immediately where possible. Public Law applications involve important decisions for children such as removal from the family home, adoption or off island placement. It is important that the FPA is involved early on in the process in order to represent the child's wishes and feelings. There has been an increase in these cases which does put additional pressures on allocating Private Law cases. There are now processes in place to monitor private law applications on basis of the immediate needs of the children. An FPA's caseload will comprise of a combination of Public Law, Private Law and CYCT cases.



There were 69 reports filed in 2019 in comparison to 39 reports filed in 2018.

- 2 CYCT
- 49 Private Law reports (3 interim, 16 updates, 4 brief, 26 final)
- 18 Public Law reports (inc. Adoption) (1 interim, 17 final)

There were 14 short notice hearings (5 Private Law and 9 Public Law) where the Court requested that an FPA attend to advise the Court. The average notice was one hour. These comprise of Emergency Community Parenting Orders, Interim Community Parenting Orders and in Private Law, emergency suspension of Contact Orders.

The team closed 154 cases in 2019 compared to 115 cases in 2018. (93 closed from ongoing cases 2010-2018 and 61 cases which were new in 2019). This comprised of 101 from Private Law, 40 of which consented without a hearing, 30 from Public Law and 23 from CYCT.

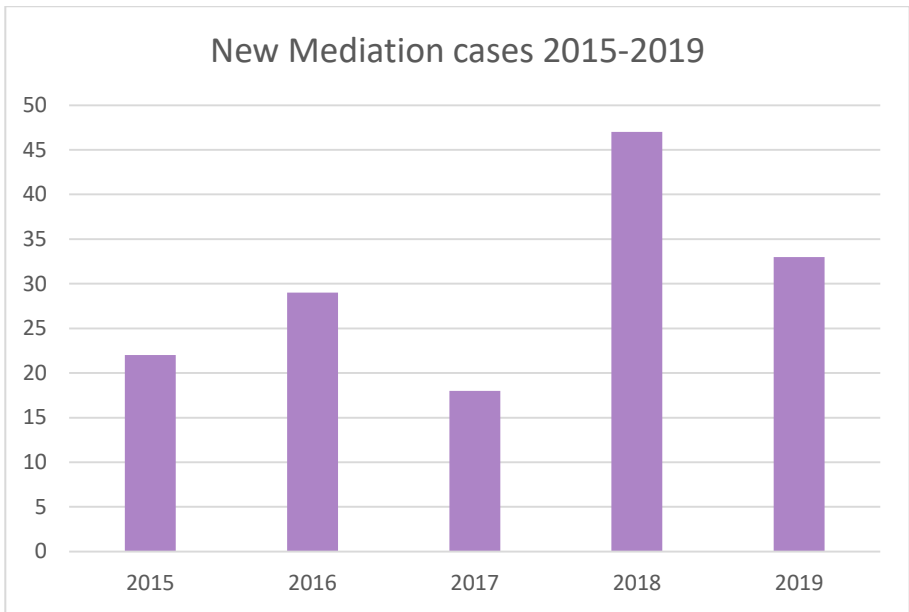
Consent Orders made up 61% of closed cases in 2019, this involves intensive work for the FPA to assist families to avoid a costly and potentially difficult contested final hearing.

## 6. Mediation

The Service continues to be fully committed to diverting, where appropriate, cases away from Court proceedings and towards mediation. This minimises the emotional impact on parents and children. Mediation, when it works, is generally a quicker and more effective outcome for parents and children in that decision making remains with the parents. Even if all issues cannot be decided in mediation it can be used to limit the amount of Court time that is needed.

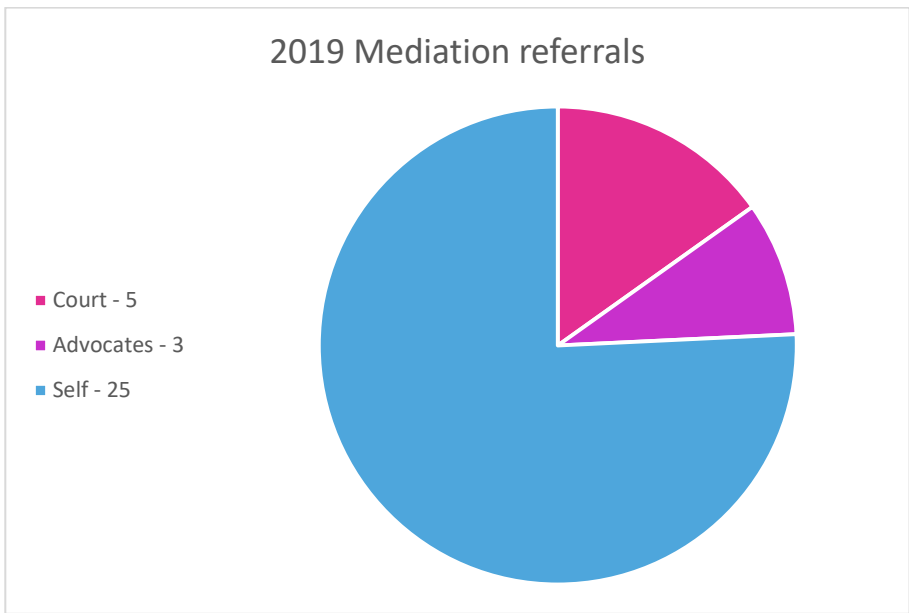
In March 2019 three further FPA's attended Mediation training. This meant that all team members are now able able to undertake Mediation and Conflict resolution.



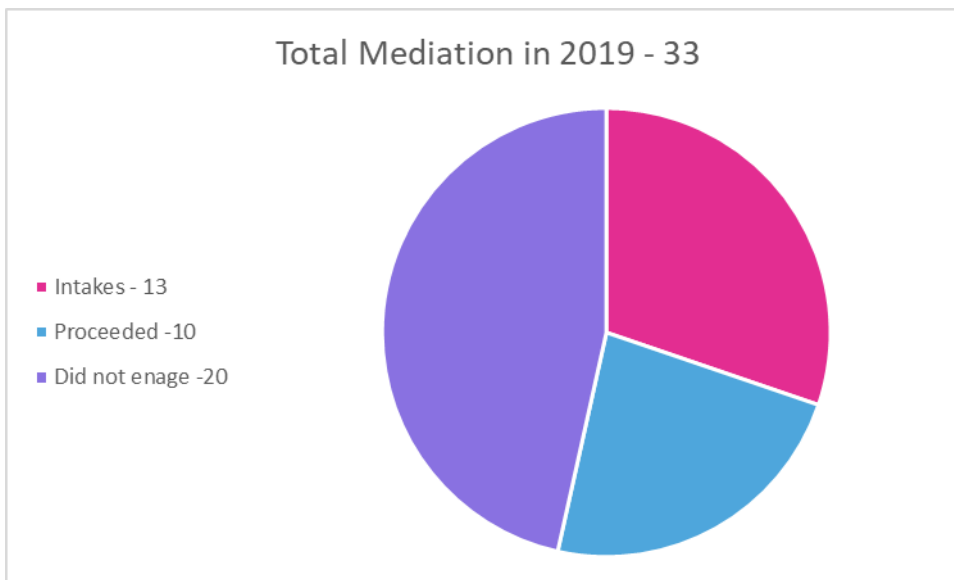


In 2019 there were 33 new mediation referrals, this is a decrease on the previous year. It is not clear why there was a reduction but may have been affected by the waiting time due to the work load of FPA's. Advocates may have made less referrals due to concern about delay in mediations sessions being available. The coordination of finding a date that both parties can make and that FPAS are available can cause delay. The model used is to have two mediators but more experienced mediators do work alone. Further research on the obstacles to the uptake of mediation and how this can be improved is ongoing.

Once a referral is received for mediation the people involved are invited to a meeting (intake meeting) in order to explore the issues and the possible way forward.



The referrals were comprised of 5 from the Court, 3 from Advocates, 25 self-referrals.



In 2019, twenty of the couples who made initial enquiries about mediation did not proceed to initial intake stage as either the applicant decided not to pursue or the respondent failed to engage.

Of the thirteen couples who had initial intake appointments ten couples were assessed as suitable and continued to mediation. Two mediations were completely successful, four took the matter back to Court, three decided not to continue, two could not reach agreement, one could not continue due to a domestic violence injunction and one mediation is ongoing into 2020.

## 7. Staffing

The full complement of staff as recommended by Ofsted in 2017 comprises of:-

Chief Probation Officer: responsible for the strategic leadership of the Family Proceedings Advisory Service and the Probation Service.

Manager of Family Proceedings Advisory Service:

Six Family Proceedings Advisers (one member of staff was off from February – April 2019 and one went on long term sick leave as of September 2019)

One Executive officer (part time)

One Administrative assistant (part time)

## 8. Staffing levels during 2019

At the start of 2019 the team stood at 4.8 FPA'S and one full time manager. In February 2019 a two year contract was obtained to fill a vacancy in the team after recruitment was put on hold at the end of the previous year.

There was a short period of time when the team was full staffed at which time the manager was able to solely focus on continuing change management tasks until once again the team was

reduced and the manager was required to undertake a large case load to ensure that the commitments to the Court and CYCT could be met.

## 9. Progress on 2019 objectives.

The delivery plan for 2019 included

The Development of Justice Policy -

Take full part in Justice Review providing statistics, expertise and written submissions as the project requests.

Work has been ongoing with regard to the roles and responsibilities of the FPA's.

Practise is evolving and changes are being introduced to ensure that there is consistency re scope of investigations, clarity for service users, report writing and attendance at Court.

Information is available on the website and this and leaflets will be updated as practices change and develop.

A paper was written on the use of Experts and was shared with Family Court user Group.

Further discussions have taken place which will continue in 2020.

A new triage system has been introduced by the manager in order to ensure that cases are seen and allocated by need and to help reduce delay. Mediation has continued to be the first option considered.

Work has been ongoing within FPAS to ensure that there is a minimum delay in allocating workers and to keep the waiting list to a minimum.

There continues to be a need for major change involving all parties to the Family Justice System in order for this to be carried out successfully. Meetings continue to take place and discussions have begun regarding changes but as stated this requires the engagement of all partners.

## 10. The Data Protection (Bailiwick of Guernsey) Law 2017

The introduction of the new data protection legislation has required changes in working practices for all organisations including FPAS. Policies and practices have been updated and data protection training undertaken by all staff.

## 11. Service priorities and objectives for 2020

As well as focusing on the year in hand, the team plans for the subsequent year. In this respect in the latter part of the year it gave consideration to the priorities for 2020 which will sit alongside delivery of the Family Proceedings Advisory Service's mandated operational responsibilities.

### Development of Justice Policy

To support the Review of the Children (Guernsey and Alderney) Law 2008.

Following the initial consultation carried out in December 2019 FPAS will take a full part in any further consultation process providing statistics, expertise and written submissions as the project requests.

### Family Justice Review

To provide information and expertise to further consideration of a Family Justice Board ensuring the Family Justice System is delivering the best outcomes for children.

### Maintaining Services and Standards

To conclude the final stage of implementation of the Ofsted report.

The inspection of the service and the resulting report provided the opportunity for a 3 year change management process.

Significant progress has been made on the Ofsted recommendations, and 2020 will be the third year of this process.

### The key focus areas over 2020 are set to include:

Further work carried out on Practice guidance for practitioners and producing a FPAS Operating Framework that defines and describes our responsibilities to children and families and the Court and Tribunal process.

Work with the Local Bar, Legal Aid and other professionals to look at criteria for appointment of Experts and also list accredited experts who can be appointed.

Expanding the system of triage in private law (including improving assessment for mediation) by exploring with the Judiciary alternative ways of working with families' to target interventions to add the maximum possible value to the outcomes for Children.

Ongoing Research into good practise in triage, ensuring early identification of safeguarding risks to children is ongoing and prioritising mediation.

Continued development of the Mediation Service in order to ensure that mediations are available to cases and use of this option is considered at point of entry into the Court and when FPAS is appointed to work with Families.

## 12. Performance Monitoring

Monitoring performance is essential for judging effectiveness and making informed decisions. Work will continue in 2020 to develop the FPAS database to produce business intelligence reports to enable effective caseload monitoring, auditing and the information required to set appropriate direction for the Service going forward.

### 13.Key Performance Indicators

The following key performance indicators are aligned to the Service's core service provision and to some of the recommendations made in the inspection report :

1. Information packs sent to parties within 1 working day of appointment of FPA.
2. Case auditing by manager or at peer group meeting (number of cases per month).
3. Planning document completed within 10 working days of allocation of the case.
4. Planning document quality assured and signed off by manager/colleague.
5. Reports submitted to gatekeeper and admin 24 hours prior to filing.
6. Closing summaries completed within 28 days of closure of case.
7. Closing summaries quality assured and signed off by manager/colleague.

### Conclusion

2019 was a demanding but rewarding year in which considerable progress was made further implementing the recommendations of the Ofsted report, contributing to wider reviews of the interests of children in the court system and managing a significant workload at a time of limited resources.



Jackie Batiste, Manager  
Family Proceedings Advisory Service



Anna Guilbert,  
Chief Probation Officer