



States of Guernsey  
Family Proceedings  
Advisory Service

## 2020 Annual Report



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## **Family Proceedings Advisory Service Annual Report 2020**

### **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 the Family Proceedings Advisory Service (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 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 Safeguarders (now known as Family Proceedings Advisers);
- 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 comprises of representatives from the Royal Court, the Family Bar, Health and Social Care (HSC) Children's Services, Legal Aid, the Office of the Children's Convenor and HM Greffiers from both Guernsey and Alderney. There is a Voluntary Sector representative and the Advisory Committee will in future be chaired by the Director of Operations Justice & Regulation.

#### 4. Summary of the Year

This is the thirteenth Annual Report of the Service and details the work of FPAS in 2020.

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 CYCT 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.

At the start of 2020 it could not have been predicted that there would be a worldwide pandemic and the impact this would have on all areas of work in Guernsey. When Guernsey went into lockdown in March 2020, all FPAS staff commenced working from home. Throughout lockdown, the FPAS team continued to provide support to families and children facilitated by an IT update delivered to the Service in 2018, which enabled all staff to continue delivering their services remotely.

Family Proceedings Advisors attended Court reviews and hearings via Microsoft teams during the period of lockdown. The FPAS Manager remained in daily contact with the team and utilised Microsoft Teams to provide supervision and to host team meetings. In June 2020 the team started a phased return to office-based working, however direct work with families and children did not commence until a month later in July 2020.

The period of lockdown had a significant impact on the work that FPAS could undertake; no direct meetings were carried out with adults or children and all communication was undertaken either by telephone or Microsoft Teams. Additionally, the Court was required to reduce its workflow

and a number of cases were adjourned for a period of time. All open cases continued to be supported and a minimum of new cases were referred to FPAS by the Court. Mediation continued to be offered digitally.

Overall, there was a decrease in the number of new cases referred to FPAS by the Court during 2020 due to the period of lockdown. It is important to recognise that the complexity of the cases has not decreased, and this proved particularly challenging during remote working throughout the lockdown.

## 5. Staffing

At the start of 2020 the FPAS team comprised of one Manager, the equivalent of 5.8 Family Proceedings Advisors, a part-time sessional member of staff, a part-time Executive officer and a part-time Administrative assistant. The full complement of Family Proceedings Advisors should amount to six.

FPAS has experienced a challenging year regarding staff retention and recruitment. These challenges including extended periods of absence due to sickness, which meant the Service's staffing endured a thirty per cent staffing reduction during this time. In November 2020, a further reduction was seen as a result of the retirement of an Advisor. As a result, the operational capacity was significantly reduced at the beginning and the end of the year. The FPAS Manager continued to undertake a large caseload to ensure that the Service's commitments could be met.

The team returned to a full complement of staff between July and November at which time the FPAS Manager was able to focus solely on continuing with change management tasks until once again the team was reduced and it became necessary to resume the caseload responsibility to ensure that the commitments to the Court and CYCT could be met.

Despite these pressures, 2020 remained a positive year, building upon existing partnerships and contributing to wider reviews which, in the fullness of time, are likely to positively shape the future of services to children in the Courts.

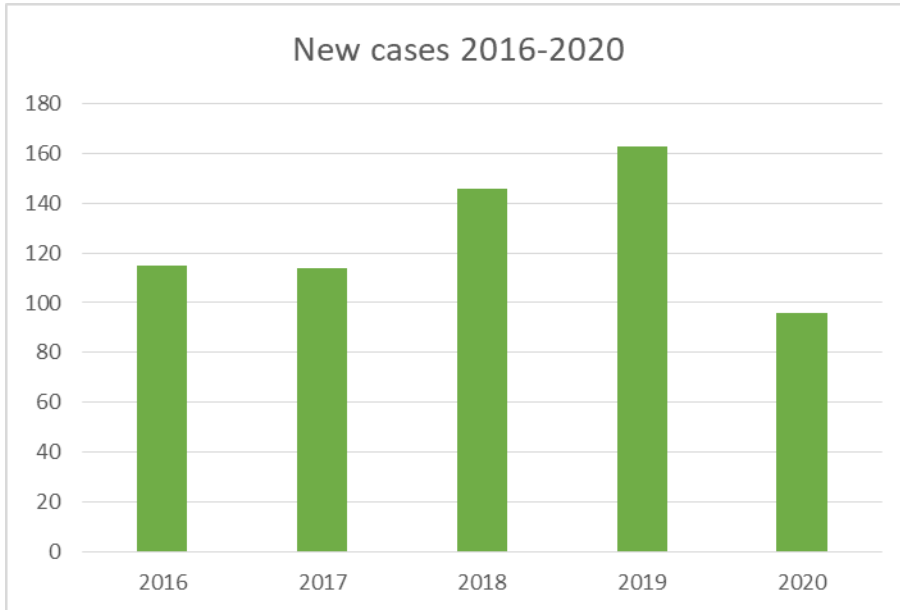
## 6. Training

During 2020 the FPAS team undertook training in the following areas:

- Parental alienation;
- Women's maternal and parental mental health;
- Understanding addiction;
- Children under 10 and Domestic violence;
- Effective assessment and intervention;
- The teenage brain; and
- Sexual abuse of Children and Young People.

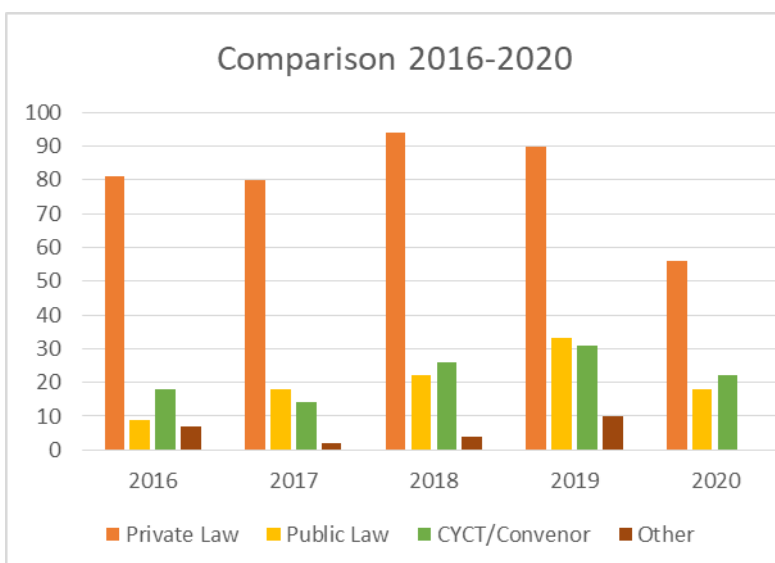
## 7. Statistical summary

FPAS was involved in two hundred and thirty-four live cases during 2020, in comparison to two hundred and ninety-one cases in 2019, a decrease of 19.58%.



The figure for 2020 comprised of the following ongoing cases from previous years: -

- Three from before 2017;
- Seven from 2017;
- Twenty-four from 2018; and
- One hundred and four from 2019.



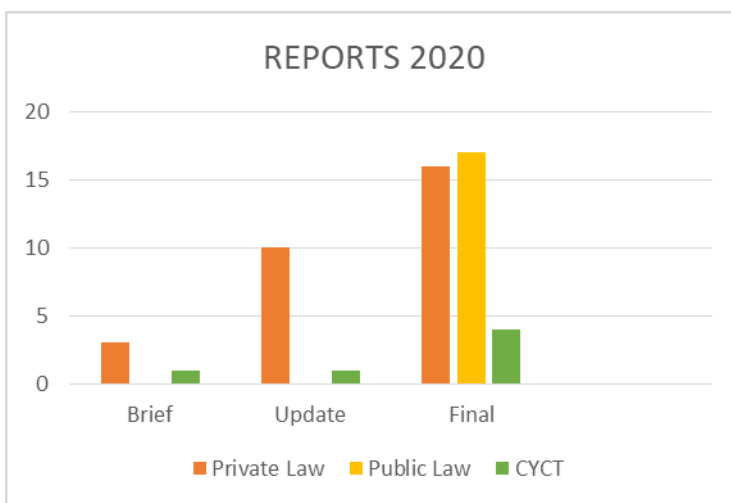
In 2020, there were: -

Twenty-two new referrals from the CYCT (one from the Children’s Convenor and twenty-one from the Tribunal) compared to 31 in 2019 - a decrease of 29.03%. During the tribunal process, Hearings must take place every 28 days;

Four Adoption applications compared to nine in 2019 - a decrease of 55.55%;

Fifty-six Private Law cases (from the Magistrate’s Court and from the Royal Court) compared to ninety in 2019 - a decrease of 37.77%; and

Fourteen Public Law cases (where Health and Social Care is involved with the children) compared to thirty-three in 2019 - a decrease of 57.57%.



There were fifty-three reports filed in 2020 in comparison to sixty-nine reports filed in 2019: -

- Six CYCT;
- Twenty-nine Private Law reports (nineteen updates, three brief, sixteen final); and
- Eighteen Public Law reports (including Adoption).

There were six short notice Hearings (three Private Law and three Public Law) where the Court requests that a Family Proceedings Advisor attend to advise the Court. The shortest notice time for such a Hearing was two hours. These cases comprise of Emergency Community Parenting Orders, Interim Community Parenting Orders and in Private Law, Emergency Suspension of Contact Orders.

The FPAS team closed one hundred and forty-seven cases in 2020 compared to one hundred and fifty-four cases in 2019 (ninety-eight closed from ongoing cases 2010-2019 and forty-nine cases which were new in 2020). This comprised of seventy-six from Private Law, forty-nine of which consented without a hearing, thirty-six from Public Law and thirty-five from CYCT.

Consent Orders made up 33.33% of closed cases in 2020. This involves intensive work by the Family Proceedings Advisor to assist families to avoid a costly and potentially difficult contested Final Hearing.

All cases are triaged (to decide the order in which they should be allocated) by the FPAS Manager or a Family Proceedings Advisor deputising to ensure that risk is identified and managed. Cases are considered on an individual basis and priority is given to cases involving incidents of domestic abuse, drug and alcohol issues and those 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 Family Proceedings Advisor is involved early in the process in order to represent the child's wishes and feelings. There has been an increase in these cases which does place additional pressure on allocating Private Law cases. There are now processes in place to monitor Private Law applications on a basis of the immediate needs of the children.

A Family Proceedings Advisor's caseload will comprise of a combination of Public Law, Private Law and CYCT cases.

Analysis of the figures detailed above shows that the period of lockdown from March 2020 led to a decrease in workflow for the year. It remains to be seen whether there will be an impact on workflow for 2021 which will depend on the Bailiwick's position regarding the ongoing COVID-19 pandemic.

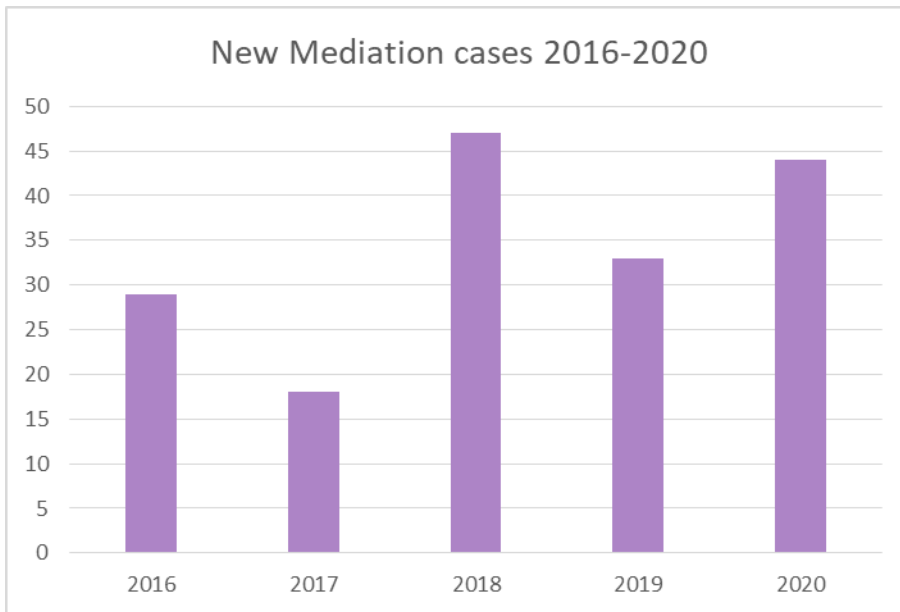
## 8. Mediation

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 successful, 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.

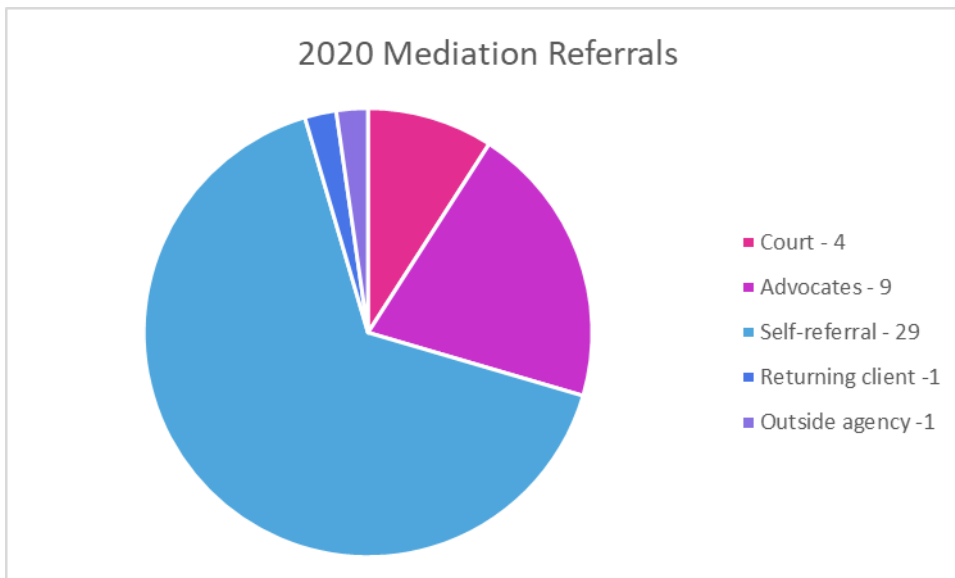
All team members are now able to undertake Mediation and Conflict Resolution.

Once a referral is received for mediation the parties involved are invited to an intake meeting in order to explore the issues and the possible way forward. The average mediation case involves up to five or six meetings with two mediators.





In 2020 there were forty-four new mediation referrals, a 33.33% increase on the previous year.



The referrals comprised of four from the Court, nine from Advocates, one from an outside agency, one from a previous mediation client and twenty-nine self-referrals.

Out of the forty-four referrals only twenty-two couples attended the initial intake appointment, of these only fourteen proceeded to full mediation.

FPAS recognises that additional research is required to be undertaken to assess the number of mediations that do not proceed and why this occurs.

## 9. Progress on 2020 objectives.

The delivery plan for 2020 included:

### Development of Justice Policy

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

Following the initial consultation undertaken in December 2019, FPAS was expecting to take part in any further consultation process providing statistics, expertise and written submissions as the project requested. It is noted there has been a delay in the progression of this workstream.

### Family Justice Review

To provide information and expertise to undertake 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 recommendations contained within the Ofsted report.

### The key focus areas over 2020

Further work was undertaken regarding the development of Practice guidance for practitioners and the production of a FPAS Operating Framework that defines and describes its responsibilities to children and families and the Court and Tribunal process.

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.

This work is ongoing with a concerted effort by the Court and FPAS to facilitate mediation and conflict resolution wherever possible to minimise the involvement of the Court and litigation.

Ongoing research regarding best practise in triage, ensuring early identification of safeguarding risks to children and prioritising mediation is ongoing.

There is 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.

## 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 2021

FPAS is proactive in planning for the subsequent year. In this respect it considered its priorities for 2021 which will sit alongside delivery of its mandated operational responsibilities. Some of the objectives from 2020 have been carried over to 2021 largely due to the impact of the COVID-19 pandemic and are included in the business delivery plan.

## 12. Performance Monitoring

Monitoring performance is essential for judging effectiveness and making informed decisions. Work continued 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 FPAS's core service provision and to some of the recommendations made in the Ofsted inspection report :

1. Information packs sent to parties within one working day of appointment of a Family Proceedings Advisor;
2. Case auditing by the FPAS manager or at the peer group meeting (number of cases per month);
3. Planning document completed within ten working days of allocation of the case;
4. Planning document quality assured and signed off by manager/colleague;
5. Reports submitted to the gatekeeper and administration twenty-four hours prior to filing;
6. Closing summaries completed within twenty-eight days of closure of a case; and
7. Closing summaries quality assured and signed off by manager/colleague.

## 14. Conclusion

In conclusion, 2020 was a demanding year for FPAS as it was essential that it maintained a professional service for children and families, despite the difficulties caused by the COVID-19 pandemic. The staff worked with dedication and diligence to ensure that there was no negative impact on decision making for children throughout.

The Head of Service and the Team at the Family Proceedings Advisory Service are very grateful for the support provided to them by the President and Members of the Committee for Home Affairs and looks forward to continue working with the Committee and other Service Areas over the coming year.



Jackie Batiste, Head of Family Proceedings Advisory Service