



States of Guernsey
Family Proceedings
Advisory Service

2021 Annual Report



Family Proceedings Advisory Service
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Family Proceedings Advisory Service Annual Report 2021

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 Courts. 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 Family Proceedings Advisory Service (FPAS) 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 of 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 fourteenth Annual Report of the Service and details the work of FPAS in 2021.

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.

Once again at the start of 2021 Guernsey went into lockdown due to the increase in cases of Covid-19. In this regard, 2021 was a challenging year but the team at FPAS continued to provide support to families and children remotely and to find innovative ways to ensure that the service was of a good standard through periods of lockdown.

Overall, there was a decrease in the number of new cases referred to FPAS by the Court during 2021. It is difficult to predict whether this is a continuing trend or an impact of the pandemic. 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 2021 the FPAS team comprised of one Manager, five Family Proceedings Advisers, a part-time sessional member of staff, a part-time Executive officer and a part-time administrative assistant. The full complement of Family Proceedings Advisers should amount to six.

In August one FPA left the team and the sessional member of staff took up a permanent role. An additional member of staff had joined in June and another in November. In 2021 no team member was affected by Covid 19. The FPAS Manager continued to undertake a caseload to ensure that the Service's commitments could be met.

The team returned to a full complement of staff by end of November 2021. The Manager continues to hold a small number of cases as is necessary to ensure minimal delay in allocating a worker.

2021 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 2021 the FPAS team undertook training in the following areas:

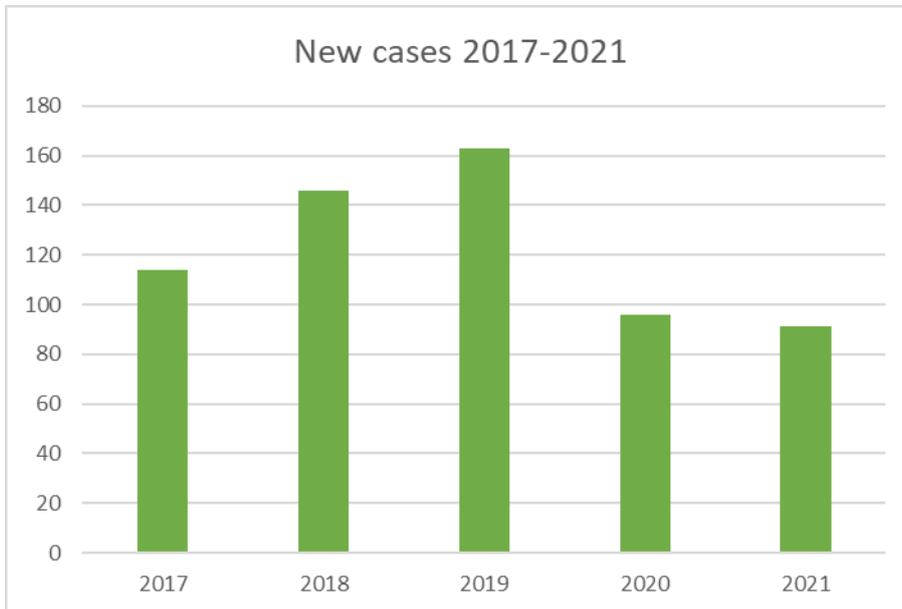
- Drugs, new trends & issues;
- Risk assessments in Safeguarding for Court assessment;
- Attachments, Trauma & ACE's;
- Trauma informed care & practice
- Opening up conversations about trauma with new and expectant parents at risk from domestic abuse;
- Learning from case reviews;
- Dealing with downers;
- LGBTQ+
- Autistic girls & masking

7. Statistical summary

The number of new cases referred to FPAS in 2021 is indicated in the figure below. The number of cases received in 2021 is comparable to that of 2020 and, as noted earlier, shows a continuing downwards trend in cases received. Analysis of the figures detailed below shows that another period of lockdown from January 2021 may have led to a decrease in workflow for

the year. It remains to be seen whether the statistics for 2021 and 2020 are reliable and how greatly affected they are by the pandemic.

The following graph shows the number of new cases in each year.



During 2021, FPAS was involved in one hundred and seventy-seven live cases, in comparison to two hundred and thirty-four cases in 2020, a decrease of 24.35%.

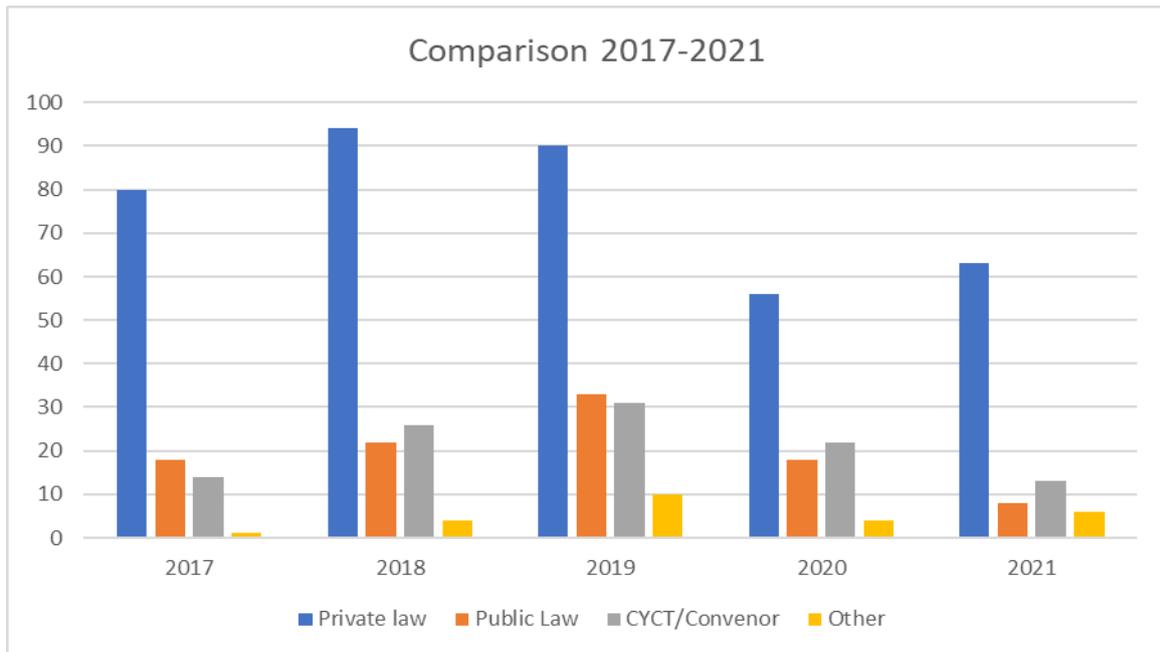
Together with the 91 new cases referred, the figure for 2021 comprised of the following ongoing cases from previous years:

- Three from before 2017;
- One from 2017;
- Eleven from 2018;
- Twenty-four from 2019; and,
- Forty-seven from 2020.

Consent Orders made up 46.94% of closed cases in 2021. This involves intensive work by the Family Proceedings Adviser to assist families to avoid a costly and potentially difficult contested Final Hearing.

The FPAS team closed seventy-seven cases in 2021 compared to one hundred and forty-seven cases in 2020 (forty-seven closed from ongoing cases 2010-2020 and thirty cases which were new in 2021). This comprised of forty-nine from Private Law, twenty-three of which consented without a hearing, sixteen from Public Law and twelve from CYCT.

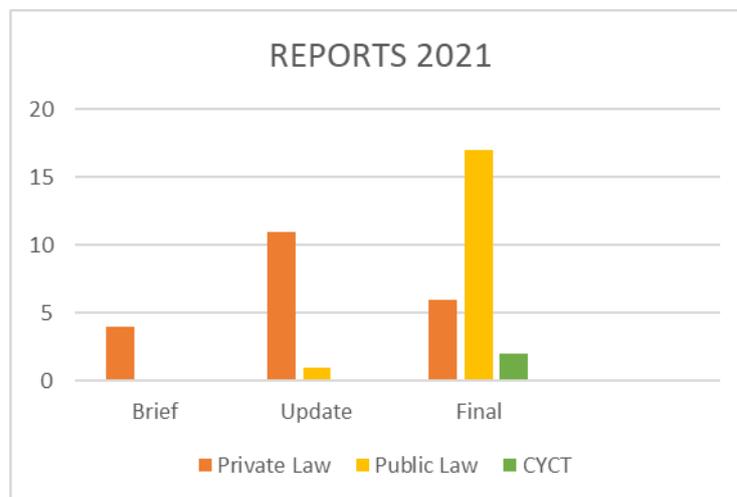
The figure below provides a comparison of cases between 2017 and 2021 in Private, Law Public Law and the CYCT/Convenor.



In 2021, there were: -

- Thirteen new referrals from the CYCT (two from the Children’s Convenor and eleven from the Tribunal) compared to twenty-two in 2020 - a decrease of 40.90%. During the Tribunal process, hearings must take place every twenty-eight days. The Convenor has stated that the overall referrals received by CYCT were greatly reduced in 2021;
- Six Adoption applications compared to four in 2020 – an increase of 50%;
- Sixty-three Private Law cases (from the Magistrate’s Court and from the Royal Court) compared to fifty-six in 2020 – an increase of 12.5%; and
- Nine Public Law cases (where Health and Social Care is involved with the children) compared to fourteen in 2020 - a decrease of 35.71%.

The figure below shows the number of reports that FPAS have filed in 2021.



There were thirty-three reports filed in 2021 in comparison to fifty-three reports filed in 2020:

- Two CYCT;
- Twenty-one Private Law reports (eleven updates, four brief, six final); and
- Ten Public Law reports (including Adoption).

There were three short notice hearings (three Private Law) where the Court requests that a Family Proceedings Adviser attend to advise the Court. The shortest notice time for such a Hearing was one hour. These cases in Private Law comprised of Ex-parte return of child, urgent application for sole residence and change of contact supervisor.

All cases are triaged (to decide the order in which they should be allocated) by the FPAS Manager or a Family Proceedings Adviser 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 Adviser 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.

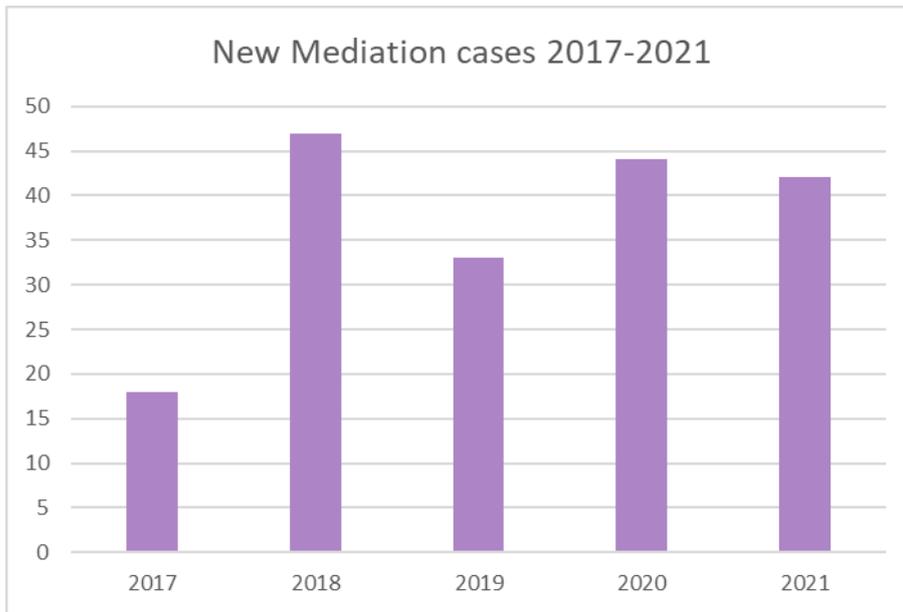
A Family Proceedings Adviser's caseload will comprise of a combination of Public Law, Private Law and CYCT cases.

8. Mediation

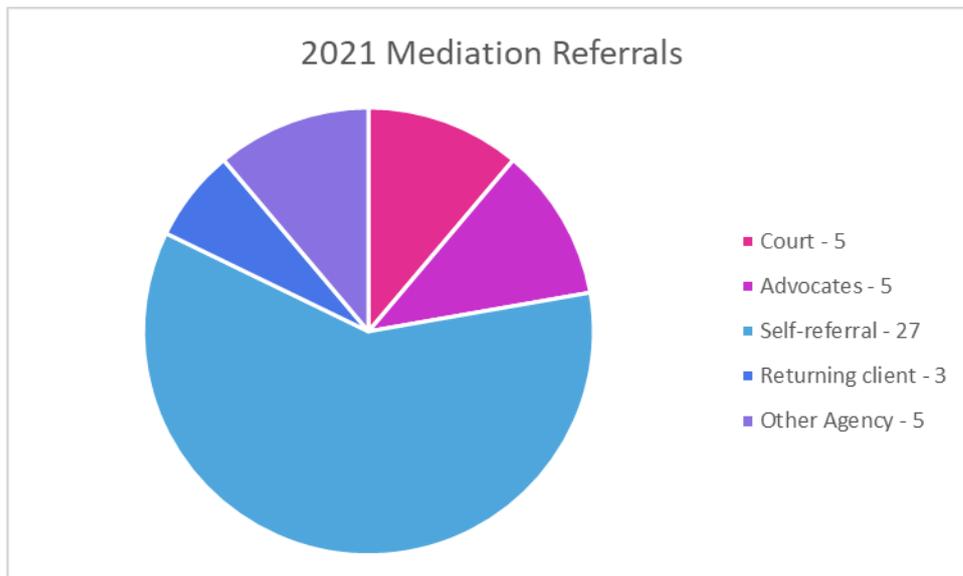
The Service continues to be fully committed to diverting, where appropriate, cases away from Court proceedings and towards mediation. This minimises the emotional impact on parents and children. Mediation, when successful, is generally a quicker and more effective outcome for parents and children in 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.

Five members including the Manager are trained and 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 2021 there were forty-two new mediation referrals, a 4.54% decrease on the previous year.



The referrals comprised of five from the Court, five from Advocates, five from an outside agency, three from previous mediation clients and twenty-seven self-referrals.

Out of the forty-two referrals only thirteen couples attended the initial intake appointment, of these only nine 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. There has been an increase in the number of enquiries for information. This is something FPAS are encouraging. These statistics will be recorded separately going forward to provide accurate figures of information that the Public are looking for.

9. Progress on 2021 objectives.

The delivery plan for 2021 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, during 2021 FPAS has been part of a working party of relevant agencies looking at the individual issues and recommendations for changes in the Children Law. This has been challenging and rewarding and has enabled agencies to discuss their different views to enable decisions to be made.

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.

This area of work has not been able to be developed due to the Covid-19 pandemic though work to progress mediation has taken place which does support this objective.

The key focus areas over 2021

Continuing work was undertaken regarding the development of Practice Guidance for practitioners and the production of an 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) was progressed 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.

Joint engagement with the Judiciary, Family Bar and Legal Aid to develop the mediation service 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. Mediation as an option is offered at the point of entry into the Court and when FPAS is appointed to work with families.

10. Service priorities and objectives for 2022

FPAS is proactive in planning for the subsequent year. In this respect it considered its priorities for 2022 which will sit alongside delivery of its mandated operational responsibilities. Some of the objectives from 2021 have been carried over to 2022 largely due to the impact of the COVID-19 pandemic and are included in the business delivery plan.

FPAS wishes to ensure that information and support is assessable to all families at the time when it is needed. This will be considered in the business plan to include awareness of the service and opportunities for the Public to avail itself of the information that FPAS can provide.

11. Performance Monitoring

Monitoring performance is essential for judging effectiveness and making informed decisions. The FPAS database does not currently produce business intelligence reports to enable effective caseload monitoring, auditing and the information required to set appropriate direction for the Service going forward. This continues to be an area that needs to develop.

12. Key Performance Indicators

The following key performance indicators are aligned to FPAS's core service provision.

1. Information packs sent to parties within one working day of appointment of a Family Proceedings Adviser;
2. Case auditing by the FPAS manager or at the peer group meeting
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.

FPAS continues to strive to meet the key performance indicators and develop any areas that are not meeting the target set.

13. Conclusion

In conclusion, 2021 was another demanding year for FPAS as caused by the continuing COVID-19 pandemic. It was essential to maintain a professional service for children and families, despite the difficulties. The staff have continued to work with dedication and diligence to ensure that the impact on decision making for children throughout was not affected.

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 look forward to continuing to work with the Committee and other Service Areas over the coming year.



Jackie Batiste
Head of Family Proceedings Advisory Service