



Sussex Quality Circle Insight Piece

February 2019

Nuffield Family Justice Observatory for England & Wales

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The Nuffield Family Justice Observatory

The Nuffield Family Justice Observatory aims to support the best possible decisions for children by improving the use of data and research evidence in the family justice system in England and Wales. It is being established by the Nuffield Foundation to meet the needs of practitioners who make pivotal decisions in the lives of children and families by:

- Working with them to identify priority issues where research evidence may help guide practice.
- Providing reliable summaries of what is, and is not, known from research or administrative data.
- Combining knowledge from research with insights from policy, practice and user experience.
- Working with practitioners, policy makers and organisations representing families and children to develop, update and test guidance and other tools based on that knowledge.

Development team

The Nuffield Foundation has appointed a development team to complete the set-up of the new Observatory. The development team is working closely with stakeholders to finalise the Observatory's initial priorities and to inform its work plan. Team members are:

- Professor Karen Broadhurst, Lancaster University (Principal Investigator)
- Claire Mason, Lancaster University
- Carey Oppenheim, Nuffield Foundation
- Dr Lisa Holmes, Rees Centre
- Dr Ellie Ott, Rees Centre
- Dr Susannah Bowyer, Research in Practice
- Mary Ryan, Research in Practice



Quality Circle established in Sussex

For some time, when social workers, lawyers and Guardians met each other in Sussex in Court or outside it, they would share experiences and talk about how the family justice system might be improved. This desire to gain more knowledge and bring about beneficial change eventually bore fruit in November 2017 with the foundation of a Quality Circle. It was the initiative of social workers, lawyers and experts. Over the course of the past year this has evolved from being a discussion group of 30 to a much larger cohort of regular attendees of 45 to 50 with a mail list of over 300.

The Quality Circle group meets approximately every other month at venues in each of the Local Authority areas in Sussex. After trialling several different approaches we have settled on the method whereby meetings are dedicated to only one topic, such as “*the voice of the child*”, with the banning of Power Point, capping of meetings to 75 minutes, and discussion papers generally restricted to two sides of A4 on the principle that the participants’ time is at a premium.

A good example of the group’s approach was a session on “Creating a Culture of Respect” arranged to discuss an article by “Surviving Safeguarding” in Community Care entitled ‘*Divisive, demeaning and devoid of feeling: How SW jargon causes problems for families.*’ With the assistance of Andrew Pack (the blogger Suesspiciousminds) the group crafted a proposal: for the simplification of language in court; to make proceedings more inclusive; and to engender a culture whereby criticism is delivered, so far as possible, in a constructive way. This has resulted in the creation of the “Code of Respect” a document which is to be signed by all in the court setting and lays out how we must treat each other and, critically, the families with whom we work. This Code of Respect is attached to the end of this Insight Piece.

The Quality Circle meetings are attended by social workers, Children’s Guardians, ISWs, academics, solicitors, barristers and judges who work in Sussex. Local psychologists and psychiatrists and, on occasion, representatives of the Police also attend. Meetings are as inclusive as possible. In the future more effort will be made to attract an even larger cohort of social workers by promoting the fact that Quality Circle provides an opportunity to strengthen the social work voice amongst the other professionals who work within the Courts.

The style of the meetings was influenced by what has been achieved by Lucy Reed and others in the Transparency Project in getting people representing disparate parts of the family justice system to meet together in a spirit of inquiry.

The group has been privileged to be assisted by Professor Michelle Lefevre, Professor of Social Work at the University of Sussex. This has been critical as it is obviously essential that if practitioners are to identify what is best practice, they must have access to the latest research as well as the skills to interpret it. There has been communication with the Nuffield Family Justice Observatory and discussions are underway about how the Nuffield FJO can best link with the Quality Circle to disseminate the messages from research and support local research activity– all with an eye to developing a Family Justice System that is more clearly informed by research findings.

The Sussex Family Justice Board has been very receptive to proposals by the Quality Circle and in turn, the group has happily adopted an identity as the *Sussex FJB Quality Circle* and works under their auspices. Facilitators of the Quality Circle attend the board meetings to discuss proposed reforms and agree a plan for their implementation. For example, when the Quality Circle discussed neglect, the conclusions were brought to the Sussex Family Justice Board who agreed to the circulation of guidance on chronologies.

In our early sessions we concentrated on the lessons from research, for example in relation to domestic abuse and child sexual exploitation. We also discussed practical issues such as when to instruct a psychologist, arranging interpretation and translation and how best to liaise with local Police (who participated in our discussions).

More recently we held a meeting entitled, “*26 weeks- the Statutory requirement*” where we were joined by HHJ de Haas QC (Designated Family Judge for Liverpool and Merseyside) by video link who outlined the protocol they devised in Liverpool for pre-proceedings work (2013) and the lessons they have learned there. This was then followed by a discussion led by HHJ Bedford and Adam Smith on the issues relevant to meeting the 26 week target. This session was timely in light of Sir Andrew McFarlane’s recent comments on the potential relaxation of this time requirement. There was consensus that the bad old days of 52 week proceedings as the norm have ended and that the introduction of a 26 week target had resulted in more timely completion of care planning for children. However the meeting of this target sometimes comes at some cost. The importance of pre-proceedings work was emphasised with a number of suggestions made about ways to avoid late presentation of potential family carers through early identification and more assessments of family members within pre-proceedings. Threading through these discussions was the issue of Legal Aid Agency funding restrictions for advice to parents in pre-proceedings.

During proceedings there was concern that, on occasion, pre-proceedings assessments were not acknowledged sufficiently when considering what timetable was appropriate at the start of proceedings - with the whole 26 weeks still being used for further assessment. Conversely there are cases where there has been significant pressure to complete proceedings within 26 weeks despite significant unknowns remaining about the needs of the child and family. Thought was given to the occasions when progress was not being set at the pace of the child creating the potential for the child's needs not being met. Overall it was acknowledged that the local courts remained child focused with a good eye to the child's timescales whilst still managing to achieve a significant proportion of proceedings within the 26 week time limit. Action following on from this meeting will centre on the local Family Justice Board updating the Sussex Pre-proceedings Protocol addressing the issues above.

Sessions like the above are becoming increasingly popular and will in the future be supported by the new local FJB's website and enhanced by a presence on twitter (using the twitter handle of @FamilyJusticeQ1 for Family Justice Quality Circle).

Sussex, like most areas of the Country, already has an annual training day arranged by the local Family Justice Board. However, the Quality Circle offers an opportunity to share information all year round as well as having a more interactive approach to what is discussed and how. Local Judges led by the Designated Family Judge (HHJ Bedford) have been very supportive and participated in each of the meetings. This is especially helpful as it increases the chances of bringing about beneficial change. Nevertheless, the group has been resolutely non-hierarchical with much of the organisation undertaken by a barrister, Martin Downs and the Principal Social Worker of East Sussex, Nicola McGeown alongside the PSWs and their equivalents from the other Local Authorities with the assistance of some Children's Guardians, solicitors and barristers who work in the area. Over three hundred practitioners have asked to be placed on the mailing list. This has been largely achieved by word of mouth with most reporting back that they have benefited from attending these events. The outstanding task is to undertake some kind of evaluation of the Quality Circle. Does it make a difference to the children and families with whom we work?

The group is now feeling well enough established to organise a programme for the next twelve months ahead and it is envisaged that this will include work with Resolution on problems in private law. The next phase in building the group is introducing parental representation. Their participation is critical if change is going to actually make a direct difference to the children and families with whom we work. Due to the sensitive nature of what happens in court and the need for confidentiality this is being managed very carefully. At this stage involvement has only taken the form of a parent contributing to our Code of

Sussex Quality Circle

Respect document but will develop into involvement in all activity coming out of the quality circle. It is envisaged this will lead to potential representation at meetings in the future.

It is a commonplace that the family justice system has faced a decade of constrained budgets, increased pressures of work and falling morale amongst the workforce. This has left many practitioners feeling powerless. The Quality Circle model has the advantage of involving all practitioners working in family justice at a local level in a constructive endeavour to bring about change - bridging the lessons of the latest research with day to day practice.

It may be that practitioners beyond Sussex might want to consider whether a similar initiative in their local area would be similarly fruitful.

To join the mailing list or find out more email: [**James.Hart@1cor.com**](mailto:James.Hart@1cor.com).

A Culture of Respect

All of us who work in the Family Courts do so in order to achieve the best outcomes for the children and families with whom we work. In order to achieve this the court environment needs to be a safe and respectful space where families and professionals can feel that their voice has been heard. The court is powerful and influential, and should model interactions that are respectful, sensitive, open and trustworthy.

This document sets out how we approach each other.

Approach

- We should all listen to each other and the family and treat everyone with respect and without judgement and avoid using inflammatory language. We should speak up when professionals interact or behave in a way that is disrespectful or unacceptable.
- We should seek to be balanced – giving due credit to positive work done by parents, children, Cafcass Officers, social workers and others
- Criticism needs to be delivered in a constructive and respectful way, allowing for disagreement, robust challenge and holding people/organisations to account, without being unduly harsh or undermining of individuals
- All parties/representatives should introduce themselves explaining what their role is in particular to the family (the LA lawyer could ask the representatives of the parents when this is best effected).
- Be mindful and come from a position of empathy and respect for everyone's cultural, racial, religious and sexual background.

Language

- Families are entitled to have options set out for them in a way that can be understood

- Language used should be clear and direct and we should avoid using words and phrases that are obscure or meaningless to each other and critically to the family
- So far as possible Court Reports should be written with both the parent (and older children/young people) and court in mind using plain language and avoiding jargon
- inflammatory language should be avoided and we should strive to diminish rather than escalate conflict
- When professional / legal terms are required these should be explained and families directed to: “Glossary of terms used in family proceedings”, and “How do family courts deal with cases about children where there might be domestic abuse – A guidance note for parents and professionals”
- If a parent needs extra help to understand, find creative ways to ensure that happens e.g. use visual material, employ a translator, or a learning disabilities advocate, intermediary or anyone who may be able to help them understand
- Avoid the following words and consider replacing with the suggestions:
 - I. *Disclosure – account*
 - II. *Contact – spend time with*
 - III. *Sibling – brother/sister*
 - IV. *Attachment – relationship*
 - V. *Parentified – the child is taking on adult roles*
 - VI. *Placement – where the child lives*
 - VII. *LAC child – use the child’s name*
 - VIII. *Shared/verbalised - said*
 - IX. *Significant harm – name the abuse*
 - X. *CSE – child sexual exploitation*

The Nuffield Foundation is an independent charitable trust with a mission to advance educational opportunity and social well-being across the UK. We aim to improve people's lives, and their ability to participate in society, by understanding the social and economic factors that affect their chances in life.

We fund research that aims to improve the design and operation of social policy, particularly in Education, Welfare, and Justice. Our student programmes provide opportunities for young people to develop skills and confidence in quantitative and scientific methods.

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