



Power Up; Power Down

Form F9 Review – Children and Young People's views

Project overview

Power up; Power down is a joint participation project developed in partnership between Scottish Women's Aid and the Children and Young People's Commissioner Scotland. The project was designed for children with lived experience of domestic abuse to contribute their views on court ordered contact processes and decisions. We partnered with Glasgow Women's Aid, Shakti Women's Aid and Dunbartonshire Women's Aid who delivered the direct work with children.

27 children and young people aged between 6 and 17 took part in the project. This was a mixture of girls and boys. All of the children have lived experience of domestic abuse, and some of the children have lived experience of court-ordered contact or contact proceedings.

We produced an illustrated story¹ based on real case studies about children experiencing domestic abuse and their journey through the family court system in Scotland. Three Women's Aid groups delivered a series of six sessions with children and young people to creatively explore their views on how power is used, how children can fully enact their rights, and what would help children to express their views in court proceedings. Children and young people were asked to make changes to the story to improve the outcomes for the children in it.

The Scottish Civil Justice Council's Family Law Committee are conducting a review of Form F9, and have agreed to consider children and young people's views through Power Up; Power Down as part of their review. One of the project sessions was developed to specifically focus on how children would like to express their views to the court about contact. This session included activities exploring:

- Children's preferred methods of communication
- Children's ideas of how they would want to make their views known to court
- Feedback on draft revised forms (F9.1 and F9.2) and letter
- Ideas on how to improve the process for the children in the story (Mia - 7, and Zayne - 11)

¹ We have included a copy of the story with our submission for reference. The characters referred to in some of the feedback are Mia – 7 year old girl, Zayne – 11 year old boy, and Grace – a children's advocacy support worker.

Summary of children's views

Below is a summary of the findings from the sessions on Form F9 carried out with children. The feedback includes views about what would have helped the children in the story, as well as their own views about what they would like personally. The feedback has been grouped together under broad themes, and reflects a variety of opinions and views.

General feedback from children

- Different children feel safe and comfortable expressing their views in different ways, with different levels of support.
- None of the children who took part in the project have ever seen or heard of Form F9
- No matter what every child should get asked their opinion
- Everyone should know about children's rights

Being listened to and believed

- Courts should speak to children first before making any decisions
- Listen to the children
- Let children make decisions
- Listen to what the children think is important
- Respect me
- Make a decision that won't make us worry
- They think because we are small we don't matter. They think we are kids and kids are stupid, that we don't know anything. It's my life I live it every day.
- Understand and respect how we feel
- Children should be listened to and believed
- Make sure they understand why children feel that way
- Children should get to decide when they have contact even if it's a mistake because it's their lives

Young children:

- Mia (7 years old) should get a letter too – it's discrimination
- The fact that Mia wasn't sent a form to fill in – it shouldn't matter what age. Someone should help them to understand it and get something down and help them to understand how they feel about it.
- I don't think there really is an age that's too young; even if they can't speak they can still draw it.
- The views of younger children should always be taken into consideration
- Children under 12 should tell the court their views
- Forms should be simpler for younger children
- Mia should have been sent a form too
- Younger children should have an advocacy worker
- It's not fair Mia doesn't get a letter. Everyone should get a chance to say what they think.

Options for how children communicate their views:

A very important message from children was that they should be able to choose how to communicate their views to the Sheriff and that this might look different depending on children's capacity, personality, preferences, circumstances and lived experience.

- Children should choose how they want to communicate with the Sheriff

- Children could write a letter to court
- Children could create a video. Plus a letter – the children would also write a letter plus voice recording. How they felt about everything, a different version but to go alongside the video. Plus pictures drawn by the children – how they felt towards mum and towards dad. Grace should be involved in all of this and a social worker.
- Lego (can show what you are feeling and it's less dependent on being able to draw)
- Drawings and letters to the court
- Children show how they are feeling through their play, talking, drawing
- Children could speak to sheriff via a video, privately, face to face or write a letter with their views
- I would write a letter and don't care who would see it
- Write a letter to the Sheriff saying they don't want to see their dad because he will kill the dog
- I like to express myself by... sport, singing, music, drawing, painting, talk and use evidence why I thought that, by talking passionately.
- For me - writing. I can write as much as I want and no-one can misinterpret it, with a drawing someone could see it differently than I intended it to be seen. I can write exactly what I want and I don't have to change it into another thing
- I would want to talk to people, and make sure I trust those people. You've got to know them. They are here to listen to me and help me – they've got to know that
- I would want to talk to them on the phone
- Everybody should get a paper/form
- I would want someone I trust to share my feelings with them
- Children should send their views by carrier pigeon (because it's special and adults will take it seriously)
- If the child has a contact case they should have a choice to either talk to the sheriff in private or send a letter.
- Record on tape what we want to say and play it to the Judge. My court reporter said they didn't believe me.

Trust, confidentiality, and safety

- Children feel most powerful when they are surrounded by people they trust
- "By asking me to make phone calls it shows the Sheriff has no clue about what I am going through. It's hard enough finding one person I trust to talk to – I'm not going to tell everyone my business"
- Having someone they trust to talk to is very important to them. Black and Minority Ethnic children and young people don't feel their teachers can always understand what they are going through. They wouldn't phone ChildLine because they are worried about their wider community finding out.
- Children need to be told that anything they say doesn't need to be told to their mum and dad if they don't want – not specifically what either said so that they feel they won't get the blame and can say what they want
- Talking about it with no one else there. I wouldn't want people I didn't know to hear things about me. Going to people I trust (to talk). Talking at home, not in an office, because I know it's my home and I trust other people that live there. It would be different if I was somewhere

that I hadn't been before, it's harder, scary, you might not want to say everything because you don't trust that place or feel comfortable

- Any letter to sheriff should be private
- I would like to write a letter but would worry who would see it
- I would not like to do a letter for the court because I don't know who is going to be reading the letter
- I would like to complete the form in court with a worker so they know mum did not influence it
- For some children who have experienced civil court said they did not feel the court believed them or really listened to them. They just pretended to listen because "it made them look good"
- Tell the children who can see the information
- Put in action when they promise
- I want to speak directly to the Sheriff but not in court. It has to be confidential. I want to be able to share my thoughts and not have my parents find out what I am saying
- The child could write a report/letter with the help of a worker. This should go to the sheriff only so children don't feel threatened

Support to communicate views to court:

For most of the children, the most important person in the story was Grace, the support worker.

Building a relationship with someone you can trust who isn't on one side or the other and knowing that they will help you to make your voice heard was a very common theme.

- When any child has a court case they should be appointed an advocacy children's worker
- The advocacy worker can take your opinion to the sheriff if you don't want to
- Grace should have helped Zayne and Mia write to the Judge because the Court Reporter "didn't understand children"
- Might need help with writing or understanding English
- Grace isn't on either side
- Sometime children need support to have all the words they need
- Grace should be involved from the start
- Grace doing art work with the kids
- The support worker should understand different feelings
- Meet Grace a couple of times so they get to know her. She would take them out, to the park etc. and have fun. Then they can meet again to do the paperwork (their views), in their home.
- Then Grace should come out and see them another time so they know she wasn't just there to get information out of them about stuff that was difficult to talk about for them to then just leave.
- Workers need to get to know children first
- I wouldn't want my mum to be there I would rather my worker
- I want my mum to help me – she already does.
- Tell your mum. Ask what the form is and ask her to explain to you
- Do an activity to build trust. Come see more than once – need a few times. Use questions that children understand. By playing.
- Somebody like Grace can help the children read the letter
- I would want to phone a lawyer

- They should have a choice how long they get to see the worker
- Court reporter should have to be really nice to children and get to know them
- Court should work with children's workers if they had one, so that the children don't feel threatened
- Children's workers and court reporters should take an oath
- The court reporter should be friendlier and more interested in what the children are saying and feeling
- Mum or Grace would be the best person to help them express their thoughts about contact.

Information children need

- It's really important that Mia and Zayne know what they are going to talk about when they meet the Sheriff. What questions they will ask. So they can prepare, so they know what they want to bring up and it's not sprung on them
- Make sure the child understands what is being done to help

Feedback on F9 drafts and letter:

Generally, the feedback on the forms and letter were not very positive and children didn't engage much with this format. For those children who have experience of court proceedings and other systems (including LAC reviews etc.) they talked about how often they have to fill out forms they don't understand. Most of the younger children involved in the project (6 to 11 years) were not very keen on reading the letters from court – they looked at them and put them to one side. For example, when presented with the drafts, one of the younger children (9 years old) immediately signed the form, put it to one side and said "done it"!

- The form is too long
- The form is too wordy
- Questions are too open – should be more specific
- Should be easier to read for younger children
- It should be simpler
- Face to face is better
- The end of the form should say "The Sheriff will listen to your views"
- Simpler form is needed
- I don't know if I can trust the Sheriff
- Liked ChildLine advice on form
- Some info not needed on form – too long
- Liked the happy faces
- Should add an angry face
- Good use of smiley faces
- I think the form should be more visual with direct questions
- Make sure the child understands what is being done to help
- Also make sure they know what is going to happen next
- I would like to do form at home
- Both Zayne and Mia should have got a form
- Everyone should have a say
- I wouldn't speak to a teacher for help because they don't understand
- The way the letter is presented is boring
- The children simply wanted to tick the boxes rather than read it through

- The letters are too long
- Many of the younger children said they would just give it to their mum that they trusted her to help them and make decisions that were good for them. That their mum listens to what they want.
- They would trust their Mum and Grace or a children's worker to help them decide about contact
- I would need to ask a support worker what the forms mean
- I wouldn't tell my teacher, call ChildLine or call the law centre. I'm eight I don't have a phone.
- By asking me to make phone calls it shows the Sheriff has no clue about what I am going through. It's hard enough finding one person I trust to talk to – I'm not going to tell everyone my business
- I want to speak directly to the Sheriff but not in court. It has to be confidential. I want to be able to share my thoughts and not have my parents find out what I am saying
- Social worker/support worker/teacher – they all want to know my views. They ask me and give me sheets to fill out. You should get sheets before a meeting which are not complicated and easy to understand. They should have pictures, be colourful, can circle answers, can draw or write what you want or what you want to change (so someone who likes to draw can do that)
- The letter is silly and too long.
- Needs to be in a way the child can communicate e.g. if too young to read needs to be something else, or if they speak different language than English
- Forms should be simpler for younger children
- Forms should be age appropriate (0-7, 8-15, 14-16)
- This should be a booklet; it should be bright and colourful. They should be able to circle different answers. They should be able to draw how they feel and colour it in. It should have a bit explaining what it is, in an easy to understand way, for example, "this is your point of view, things that have happened in your family". After the booklet Zayne and Mia should have separate time to talk to Grace in case there was anything they didn't want to say or ask in front of the other one as maybe not comfortable. This should be recorded and added. The booklet then goes to court

Questions to be included in the form:

- Do you feel safe?
- Would you like supervised contact with dad?
- Is there anything we can do to help?
- Is there anything else you would like to say?
- How they feel about what is being done?
- What is happening?
- If they felt what was happening in court was right
- What's happened?
- Whether or not they want to see the parent.
- Also ask about what they do with Dad when they see him and what they do with mum. The Sheriff will then know more about if the kids are in danger and haven't realised it. Say he might have kicked the dog a couple times and the kids have just thought that was because the dog was bad/ had an accident. Because that is a sign that he might be violent to other people.

- It should have questions about them, what they like, what's their favourite sport, to keep them interested. It should ask what they would like to do in the future. It should ask about what has happened and what they want to be done, their views. It should have a question about people they trust.

Speaking directly with a Sheriff:

- Children would like to talk to the sheriff privately
- Zayne and Mia should get to speak to the Sheriff in a nice place not court
- The kids could meet with the Sheriff, with Grace there
- They should meet the Sheriff where they have been meeting Grace so they are comfortable
- Sheriff should talk to children, given option of speaking directly to sheriff in private, through video or by letter
- I would like to speak to the judge/sheriff privately
- I would like to see the court and meet the sheriff with my mum
- I would like to see the court and speak privately to sheriff
- I would like a worker with me when I speak to a sheriff
- Wear normal clothes, a suit would scare us

Feedback to children on their views and decisions:

- All children should be given the Sheriff's decisions on paper because all children deserve an explanation why they have to see their dad or parents
- Zayne and Mia should have been told what was happening because it was their life and what they wanted should have been most important
- Sheriff tells the children the decision to them to see how they feel about what she has decided. That would also help the Sheriff to make decisions about reviewing it
- Tell children what happens next
- Make sure children know what is going to happen next
- I would like to receive a letter about decisions
- I would like to get decision face to face
- Once things have been dealt with they should be told what happened and all the decisions. Mum should be involved in this, it should also be fun, they should get to draw and make things. The teacher should know so that he knows what happened. The social worker should be there if the kids want them to be there. Not too many people all at the one time. Grace should talk to the social worker about what happened so that they know.
- Zayne and Mia should be asked about how they felt about giving their views. Grace should keep seeing them to find out if anything had changed. They should have fun!

Other Quotes:

"It's useless if no one listens to you and if you can't listen then you can't really make the right decisions."

"No matter what children's views should be taken into account"

"Every child should have a voice in court"

"You are never too young to have a view"

"Children feel most powerful when they are surrounded by people they trust"

“They don’t do anything to include us, we feel helpless, alone and have no say”

“Even if you can’t do anything to help, really listening and believing helps a lot”

“What’s the point? The Sheriff and Reporter won’t listen to me anyway?”

“I have never been asked my views”

“There shouldn’t be a need for a decision – the decision should be my views”

Super Listener (Poem by 12 year old girl)

I would like you to listen to the thoughts in my head

The thoughts and the feelings that go round my head

Sometimes I am happy

Sometimes I am sad

Sometimes I am angry

Sometimes I am mad

Sometimes I am lonely

With no one to hear me

Can you listen to the feelings that scare me?

Will you be my super listener when I can only talk in a whisper?