

## **Justice Committee**

### **Stage 1 scrutiny of the Children (Scotland) Bill**

#### **Note of informal meeting with YELLO!**

**Tuesday 4 February 2020**

#### **Introduction**

On Tuesday 4 February, Members of the Justice Committee met with five young people from YELLO!, the young expert group for the [Improving Justice in Child Contact](#) (IJCC) project.

The IJCC project is a partnership research project across five European countries,<sup>1</sup> running from November 2018 – November 2020. The project's goal is participation of children and young people in decisions around child contact for families affected by domestic abuse.

The young people in YELLO! have all experienced domestic abuse and have been supported by Scottish Women's Aid's children's services. The Committee met with five young people from YELLO!, aged 12 to 18. Also present were two members of staff from Scottish Women's Aid and two from Glasgow Women's Aid.

Scottish Women's Aid also provided the Committee with a case study from one member of YELLO! who was not able to attend the meeting (included as an annex to this note).

The note below summarises some of the key points raised by the young people during the meeting.

#### **Voice of the child**

Children's best interests should be at the centre of the decisions made about them. At the moment it feels like parents' rights are more important.

Children and young people should be given a choice as to how their views are heard. There should be a range of options available, including writing, video and speaking directly to the sheriff. Children and young people should be able to ask to speak to the sheriff and that should not be refused.

Children know how they feel and if they feel safe with someone. Children should be able to talk to their mums without their mums being accused by the courts of influencing the child. The child knows how they feel because they have seen the behaviours.

---

<sup>1</sup> Bulgaria, Cyprus, Portugal, Romania and Scotland.

It should be up to the child or young person who they share their views with. Usually they will want to speak to someone they already know and trust, but they should always be able to choose. Every child is different.

It can take a long time (often up to a year) for children and young people to get support from women's aid. If children and young people could get that support earlier, then that would help them to give their views. It is harder for children and young people to talk about how they feel if they have had to wait for a long time for support. Children need to be told there is support available for them. Unless an adult tells them, they will not know how to get support.

Having a support worker can really help children and young people to share their views.

### **Going to court**

Children and young people should have someone they can talk to before going to court, who can answer any questions they have it should not be up to their mum to tell them what is happening. Having a support worker would help.

Younger children should be given the choice of giving evidence if they want to.

At court, they should be able to wait in a private space that is safe and age appropriate. If they are asked questions by lawyers, then lawyers should respect the fact that they are children.

Any decisions made by the court should be explained directly to the child or young person, not through their mum.

Not many children and young people know that they can have their own solicitor. This might help them to express their views.

No one should be allowed to work with children without training in how to talk to them.

Cases should be kept open so that children and young people can change their minds about contact.

### **Confidentiality**

Children and young people often do not know who has been given information about them and how that will be used. A child or young person should be asked to give their permission for any information to be shared. It should be up to the child or young person, and not the court or sheriff, to decide whether information can be shared.

If the person who is speaking to the child or young person makes it clear what is going to be shared with other people, then that would help. Then it would be the child or young person's choice what to tell that person. Not knowing what will be shared

with other people can be scary. A support worker could help in explaining to a child or young person how their information might be used.

### **Child welfare reporters**

The young people told the Committee they felt that child welfare reporters did not listen to them and were not on their side.

It can be difficult for a child or young person to tell a child welfare reporter how they feel about contact with a parent, particularly if they come to that parent's house to speak to the child or young person. Child welfare reporters should be trained so they are able to pick up on signs from children and young people that they are uncomfortable.

Child welfare reporters should be more like support workers. They should be trained in how to talk to children and young people. They should also know what domestic abuse really means. The children and young people involved in the Power Up/Power Down project designed the Super Listener, which is what anyone who comes to talk to children should be like.

Children and young people should meet someone a few times to get to know them before they are asked to share their views. The first few sessions should be about bonding together before any information is taken. They should meet with the same person throughout the court process. They should not have to retell their story again and again.

To get the job as a child welfare reporter, they should have to be approved by children and young people. A child or young person should be able to say that they don't want to speak to a particular child welfare reporter and should be able to ask to speak to someone else. They should also be able to complain about their experiences with child welfare reporters. They should be given the information on how to do this.

There should be strict regulation and supervision of child welfare reporters.

The child or young person should be able to choose when and where they meet with a child welfare reporter. They should never meet at the house of the parent who has been abusive. The child should have the choice of having another trusted adult with them when they talk to the reporter if they want.

The child welfare reporter should go through the report with the child or young person so that they can see the information that's been included and how it's been interpreted. The child should be able to make changes to the report if they don't agree with it.

### **Child contact centres**

Children and young people should be able to tell contact centre staff what they need and want from contact sessions. Contact centre staff should understand that every

family is different and should speak to children and young people to understand what's going on.

Staff should be trained in treating children and young people in a safe way. Staff should listen to children and young people if they don't want to go into contact and not try to encourage them.

There should be clear rules set out at the beginning, which staff should stick to. For example, children and young people shouldn't be allowed to be given gifts by their parent during contact sessions.

Children and young people should be spoken to as part of any inspection of contact centres, because adults behave differently towards children when other adults are watching.

There should be a process for children to complain about any issues with a contact centre.

When a child is at a contact centre, if they want to see their mum that should be allowed.

If there are other languages being spoken within the contact centre, then the staff should be aware of what is being said.

People who go to contact centres need to have a voice on what the building and facilities should be like. Right now, hospitals are more fun to be in than contact centres.

### Case study

This case study has been written in conjunction with the Improving Justice in Child Contact Project. The young woman and her family were supported by a local Women's Aid group in Scotland and she told us her story in the understanding it would be shared and change the injustice she has experienced. A was 11 years old when she spoke with the Sheriff and 13 when she told her story to Scottish Women's Aid.

'A' was around eight when her parents separated. She had experienced domestic abuse perpetrated by her father towards her mother, including one incident when he attempted to strangle her mother.

A had regular contact with her father until she was 11. "He used to hit me and stuff and be horrible, but the reason I stopped seeing him is because of the way he treated my little brother. I just said 'NO, you don't get to treat him that way'. He used to grab our heads and push his fingers into our heads. I didn't really think it was a bad thing that it happened to me as I had had it all my life.

When my parents were together my mum did all the looking after of us and my dad was hardly at home. He just used to come in and be really fun. He didn't do any of the hard stuff. So, when he was horrible to us, it didn't seem to matter because he would be fun again soon.

I saw my dad for a few years after my parents separated. When I said that I didn't want to see him anymore, the courts brought in a court reporter. This is when a lot of it went wrong. The reporter had spoken to my dad first, and he must have given her a sob story. So when she spoke to me, she kept saying the things I had seen may have just been an accident. Anything I said, she contradicted it. I went home and told my mum and asked why this person didn't listen to me, because I spent about an hour in there telling her things about my life. I remember crying and telling the reporter that I used to cry when we were in the car because he would deliberately go fast and take his hand off the wheel. She dismissed it and made out I was mistaken. But I know he was trying to deliberately frighten me, because I would be crying for him to slow down, saying I thought we were going to die, and he used to make it worse.

I think, because my vocabulary is good, the reporter thought that I wasn't using my own words, like it was my mum who had told me all these things. But, I have had to grow up so fast because of all the things he has done, so that is why I understand a lot more about things than other people my age. My dad never acted like a parent. He always acted like a child. I had to act like a parent to my brother, not like making him dinner or taking care of him, but telling him to be careful round my dad.

After the bad experience with the reporter, I said I wanted my own solicitor but the reporter said 'no', that she was representing me. I was supposed to see her twice, but I refused to see her again as she wasn't listening to me. I knew that wasn't good enough, because if you go to court you should have someone there who is saying what you want them to say, not what they think happened. So, I decided to get my

own solicitor. My mum told me that I could do that. A lot of people don't know that children can have their own solicitor, which is really scary.

My mum and dad both had solicitors, so I went with the only one left in my town. I had to go along and meet the solicitor so she could see if I was mature enough. I don't think that is right. They should know what they are doing enough so that it doesn't matter how mature the child is, they can still find out information from them. She asked me questions about what my dad did to us and how I felt about it. Once I had answered all her questions, she said she was happy that I was mature enough to say what I wanted to happen. I was so happy. I have spoken to my solicitor twice in total.

After I spoke to the solicitor I went to speak to the sheriff. He wrote to me beforehand to tell me about our meeting. I don't think he knew how mature I was because the letter seemed to be written for someone quite young. I think people expect children not to understand things, but we totally do. Visiting the sheriff was fine. There was three people there. I felt really confident. I was annoyed that I hadn't been listened to before. It was just in a room with a table. There was one other person taking notes and just me and the sheriff. I brought two full pages of notes with me, so that I wouldn't forget anything. I told the sheriff what it was like living with my dad and what it was like visiting him. He was really nice. He seemed quite interested in what I was saying. I was only in there for half an hour. I was very happy when I left because he said 'I think you are very mature and I will take your feelings into account'.

The sheriff did listen to me and I didn't have to visit my dad again. If I had been listened to by the court reporter to begin with, I wouldn't have had to see the sheriff at all.

They wrote to my mum to tell her the decision. When my mum told me I didn't have to see my dad anymore I cried with happiness. People think that I must be sad because my dad isn't around, but it was me who left him. I don't like him. He still wants to see me and I am saying no.

I don't want anything to do with him. But I think he must have come across as quite upset because the sheriff said that I have to speak to him every week. Phone calls were around 2 hours a night, making us unable to have dinner until very late at night, and missing out on after school, extra-curricular activities. They don't seem to understand that that is still making me have contact with him. I have to have a phone call with him every week, even though I have said I don't want to speak to him. I don't actually have a conversation with him. Every time I go on the phone I just say 'I don't want to speak to you', but I still have to go through that every week. We used to have to speak to him every single night for an hour, which was quite upsetting. It got put down to two nights a week., I only have to speak to him one night but my brother has to speak to him on both nights. My brother gets upset every time because if I hang up the phone he doesn't get to say goodbye. If we didn't speak to him, he would email my mum saying he would take her to court if she didn't make us. My mum doesn't have enough money to go to court again. It's ridiculous.

I don't understand why I don't have the power to change these decisions and I want that changed.

Even though my mum and dad have separated and I don't have to see him, he is still forcing his way into our lives. He doesn't act like a father. He acts like an idiot.

He tries to bribe us. He told me if I wanted Christmas presents then I had to visit him.

He writes me letters and cards. My mum is supposed to force me to read them, but I don't. I once threw one in the fire. I have told him to stop writing to me, but he won't stop. I have told him I have changed my name, but he refuses to put the name I want on the envelopes, so just writes my first name. Him not accepting my new name is affecting me a lot. I am missing out on a school trip because he won't agree to my passport being in the name I want. I really want to go skiing with the school, but we can't afford to keep going back to the solicitor so I won't get it changed in time I think.

When I wrote this surname on my school work, one of my teachers kept changing it back to my dad's name. This really upset me. I should be able to use what name I want, and people should not take sides about it. I have a statutory right and I told the teacher this, but she didn't want to listen.

When I was seeing my support worker at Women's Aid there was something happening with my Dad every week. So I would be upset, and she would just sit and listen to me and let me talk, which I liked a lot. She helped me get the notes ready to see the sheriff.

From what I saw, my father felt like he could do what he liked because he was male. He also knew that because he was married, he could do what he liked, because he was safe, knowing that my mum cared for me and my brother all the time, and wouldn't have a job to live on, so she couldn't leave him. This, from my point of view, was incredibly sexist. I am now a feminist. I became one about a year after my parents split up, after realising everything that happened was incredibly sexist, and only happened because he felt like he had the power to control us because he is male. He could get what he wanted if he just went all emotional and he would get his way. People would think he's an amazing parent because he was male and had two children in tow. I feel like people's perspective of single parents need to change, as stereotyping isn't the best way to figure out what a person is really like. The court reporter was a great example of this, as she immediately assumed that my mother was the one who caused all the problems between my mother and father. The reporter didn't seem to be impartial, it was like she instinctively stereotyped my mum and dad.

People shouldn't be forced to be put through what I was put through. What happened to me, I thought, was terrible, I don't want to imagine what people worse off than I have got, it must be horrific. I wish the reporter had listened to me the first time, so I wouldn't have had to pay a lot of money to get a solicitor. Nowadays, it feels like they don't take the child's view into account, but the views of the parent who seems more upset. What I really hope for is family law hearings to get better, and to give the children a good home life, unlike others, like me, who had to fight for their right to have a say in my own life.



**The Improving Justice in Child Contact project is funded by the European's Rights, Equality and Citizenship Programme (2014-2020)**

**The content of this case represents the views of the authors only and is their sole responsibility. The European Commission does not accept any responsibility for use that may be made of the information it contains.**