

“If an adult just listens...”

Children’s Parliament consultation
on the F9 Form used to gather
children’s views for Sheriff Court



Thanks

Thank you to MCPs and staff from:

- Children's Parliament Seen + Heard in Fife project
- North Edinburgh Childcare



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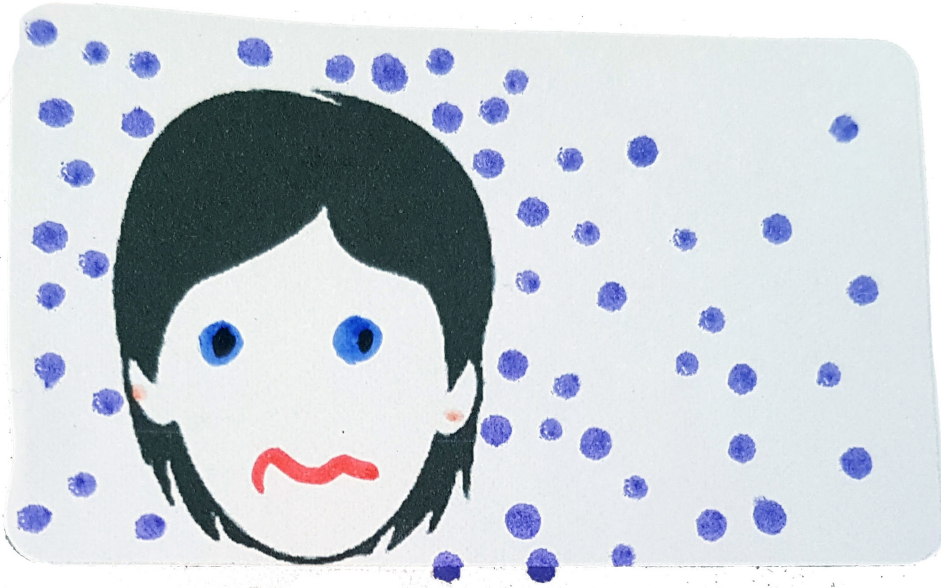
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This report was
commissioned by Family Law
Committee of the Scottish
Civil Justice Council



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Children might
not know what
a right is.

About the consultation

In 2015, the Scottish Government produced a paper to the Family Law Committee of the Scottish Civil Justice Council that outlined issues, outcomes and potential changes to hearing the voice of the child in family court cases. As a result of this paper, the Family Law Committee has undertaken steps to respond to specific points raised, including an initial consultation on the F9 forms used to gather children's views. These forms have been redrafted following conversations with multiple children's organisations. The new drafts of the F9 forms have been shared with organisations again and the Family Law Committee was also seeking feedback from children and young people.

Children's Parliament was commissioned by Family Law Committee to engage directly with children to explore their views on the draft F9 Forms and to gather feedback to ensure that the forms were appropriate, understandable and child-friendly.

We facilitated a series of creative workshops that used stories, drawing, discussion and small group activities to explore children's experiences and views. Children's Parliament uses children's rights and the UN Convention on the Rights of the Child (UNCRC) as the foundation for all our work and each project and consultation begins with an input about children's rights so that participating children increase their knowledge and understanding of the UNCRC and how it impacts upon their lives.

In order to establish context and give children a foundation of understanding, we first addressed the following questions:

- What are children's rights?
- Why is it important for children to share their views and opinions with adults?
- Why might children become involved with the courts?

In relation to the draft F9 forms, we asked children to consider the following questions:

- How might a child feel receiving these letters?
- Could a child understand these letters?
- Are any parts of the letters confusing to children?
- How would children like the letters to look?
- What improvements could be made to these letters to help children share their thoughts and feelings?

The children's views and ideas were recorded by the facilitators throughout the process to inform this report.

About Children's Parliament

Children's Parliament (CP) is Scotland's Centre of Excellence for children's participation and engagement.

Children's Parliament works for a future where all children in Scotland are actively engaged in shaping our world so that everyone is healthy, happy and safe. We believe all children should live and grow with dignity and be valued for what they can offer the world.

We work creatively through projects, consultations and training programmes to improve communication between children and adults and to build relationships based on mutual respect and understanding. This enables us to explore our world together. We provide children with opportunities to share their experiences, thoughts and feelings so that they can influence life at home, in school and in the community through change at a local and national level. Every space we create is a Children's Parliament.

About the children

The consultation workshops involved a total of 14 Members of Children's Parliament (MCPs) between the ages of 8 and 17 years old. Five boys and nine girls took part in this consultation. We worked in two settings – with the Children's Parliament's Seen + Heard in Fife group and with children who attend the after-school club at North Edinburgh Childcare. We sought to work with children from diverse backgrounds, including children from areas of multiple deprivation, children with disabilities and learning difficulties, and children who are/have been looked after.

Some children involved in the consultation have personal experience with providing information and having decisions made about them in LAC Reviews and in court. They wanted to use their experience to improve the ability for others facing a similar situation to have a say in their lives. The quotes in this report come directly from the children.

Key Messages

As a result of the workshops, key messages arose from the children. These are detailed below for the Family Law Committee to consider. A complete summary of the children's specific recommendations can be found on the following pages of this report.

1 Emotions

Children were very aware that there would be strong emotions attached to receiving a letter like this. For some, it might be a scary, confusing and worrying experience where others might feel confident, happy and proud to be able to share their views. Additionally, they spoke of feelings of sadness or anger about the situation and identified that this might be directed at their parents for causing the situation or the Sheriff for making decisions about their lives. They also mentioned the potential to feel overwhelmed by the responsibility of telling the Sheriff what they thought and felt as this information will be used to inform a decision that would impact their family.

The children felt that the Family Law Committee and the Sheriffs should remember that children will be feeling all kinds of emotions during these proceedings. Children asked that they be supported to understand what was happening at all stages and for their feelings to be taken seriously.

"For us, it's our whole lives and it's really big, but then the Sheriff gets to choose and it's not big for him. It's your life and he decides? That would make me nervous."

– Girl, 10

if I were young
I would feel a
mix of emotions because
I don't have a clue
what is happening.

2 Privacy and Information Sharing

Children felt very strongly that their privacy must be respected during this process and their information shared only as and when necessary and with people who needed to know. Sharing their view via a form left some children feeling anxious about who might see it. They were concerned about a parent seeing what they had written and being angry or upset or trying to influence what they wrote. They were also concerned about who would be seeing their forms once they'd been sent in. Children also wondered about the information they were being asked to provide on the form – was it necessary to include spaces for email address and mobile numbers, especially as many children will not have these?

Additionally, some children raised concerns about receiving a serious letter and not knowing who sent it, leading them to feel wary about the letter being legitimate and scared that people were trying to get their private information.

The children felt that the Family Law Committee should ensure that the form respected their rights in relation to privacy and information sharing and clarify how and with whom their information would be shared.

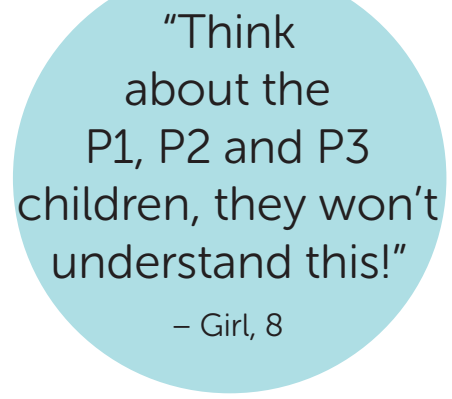
“Young children might have to rely on adults for [some] information. Not knowing that information might worry children and young people or they might be worried about who gets this information and knowing where you live.”

– Girl, 17

3 Language

Children highlighted the importance of using clear, simple and child-friendly language in the letters and form. They raised concerns about younger children, children with learning difficulties and disabilities, and children who did not speak English as a first language accessing the form.

The children felt that the Family Law Committee should ensure that the letters and form used language that all children would understand and that any difficult terms, such as 'Sheriff', were clearly defined.



"Think about the P1, P2 and P3 children, they won't understand this!"

– Girl, 8



"I would like there to be a lot more colour and pictures to make the form seem friendlier."

– Boy, 10

4 Design

Throughout the consultation, children made frequent comments and suggestions about the design of the letters and form. They were very clear that it should feel interesting and child-friendly – like something a child would enjoy filling out. They discussed size, formatting, colour and style, and their specific recommendations can be found in the following sections.

The children also suggested that there should be two versions of the form – one for younger children and one for older children. This would allow for the design of the letters and form to be age-appropriate.

The children felt that the Family Law Committee should design the forms for them to be as engaging and accessible to as wide a range of children as possible.

5 Follow-up

Finally, children felt that it was important that children knew what would happen next and how they would be updated on any decisions made by the court. For many children who are or have been involved in the care system or the courts, it can often feel like adults are making decisions that impact on their lives and they have very little say or information about what is happening.

The children felt that the Family Law Committee should do what they could to ensure that children are informed about the process, kept up-to-date about what is happening, and learn about any decisions made by the Sheriff and the reason for the decision.

Sheriff
is like

a old
Will West



"It's
really frustrating
because people are
making decisions about
you and you don't
know the outcome."

– Boy, 12

Children's views on the process of engaging with the Sheriff Court

Throughout the consultation process, the participating children said that they thought it was very important for children to have a say, both in the development of the F9 forms and in the cases that go before the Sheriff.

Children talked about the feelings that receiving a letter from the Sheriff might raise. These included negative emotions like fear, worry, confusion, sadness and anger and positive emotions like happiness, trust, excitement (to receive post) and feeling listened to. For some children, it might be very confusing or scary to be receiving a letter from the Sheriff's Court, but they felt that it was important to have the opportunity to share their thoughts and feelings.

The children felt that the Family Law Committee and the Sheriffs should remember that children will be feeling all kinds of emotions during these proceedings. Children asked that they be supported to understand what was happening at all stages and for their feelings to be taken seriously.

Children liked that the letters and form referred to their right to have a say and felt that this made it feel like what they had to say was important and would be taken seriously. However, they also said that some children might feel overwhelmed by the responsibility of sharing their thoughts and feelings with the Sheriff about what is happening in their families ("We are only kids!"). Some children thought they would be nervous finding out that the Sheriff would be the one who decides what happens to their families and worried that they would have to go to court.

The children also recognised that some children may need support to understand the forms, to fill them in and to process any emotions or issues that arise from them. Finally, the children thought that a form may not be the best way for some children to express their views and it would be easier for them to speak with someone directly. However, they understood that there were challenges to creating a system that worked for all children and that the Family Law Committee were thinking about ways to address these challenges.

"Children and young people have lived-experiences and these decisions affect their lives, so it is important their voices are heard. Children and young people are the experts in themselves. To understand what we need and how we feel, it is not enough for adults to voice their opinions. Children and young people must be consulted to inform better practice."

– Girl, 17

"I would feel shocked that they're not going to speak to me in person."

– Girl, 10

"I would feel happy that the Sheriff can help."

– Boy 8

"I'd be a bit angry at my parents. Why can't they sort it out? They are meant to be the grownups. It shouldn't be a kid who has to decide."

– Girl, 9

"It would make me feel better to get a letter and the 'What I Think' form because you get to tell somebody what you feel like."

– Girl, 10

Children's views on F9.1 letter

After reviewing the F9.1 letter, the children offered specific recommendations to improve this letter. These are grouped in themes below.

1 Language

Children felt that some of the terminology used in the letter might be too difficult for some children to understand, especially younger children, children with learning difficulties and disabilities, and children who did not speak English as a first language accessing the form. Words that raised some concern included: 'Sheriff', 'decisions', 'support', 'counsellor' and 'information service'.

Due to the structure of the workshop, the participating children had an understanding of children's rights, but they thought that some children would not have this same knowledge. Therefore, they thought it would be useful to provide information about rights in the letter.



Children might not know what these words mean or what these things are e.g. Clan.

Recommendations

- Provide definitions when words cannot be changed (e.g. Sheriff, information service).
- Use simpler words to ensure that children can understand what is being said. Consider changing 'decision' to 'choose/choice', 'support' to 'help', 'explain' to 'say/talk'.
- Provide a definition of children's rights and information about the UNCRC.

2 Identification of sender

Children are used to receiving letters which have familiar salutations and formats. Children felt confused and unsure about the identity of the sender because they expected to be given the name of the sender. Additionally, because children weren't familiar with the Sheriff Court as an entity they felt the letter was impersonal and potentially illegitimate, causing increased worry and uncertainty.

"They say they want your opinion but they don't even tell you who they are?!"
– Girl, 10

Recommendations

- Be clear about who the letter is from and explain the Sheriff Court.
- Sign off the letter with a name, possibly the name of the administrator preparing the form. This will make the letter feel more personal and help children know they are dealing with legitimate people.

3 Getting help

Children appreciated being told that they could get help and felt reassured by the inclusion of information about who they could contact for support. While children were familiar with Childline, they did not know about the Scottish Child Law Centre or Clan Childlaw and felt that without more information about these organisations, they were less likely to use them for help.

Recommendations

- Provide additional information about Scottish Child Law Centre and Clan Childlaw - the names are unfamiliar to children and less accessible, unlike Childline.



I feel glad
because I have
a person i can
call if i need
help.

Children's views on F9.2 letter

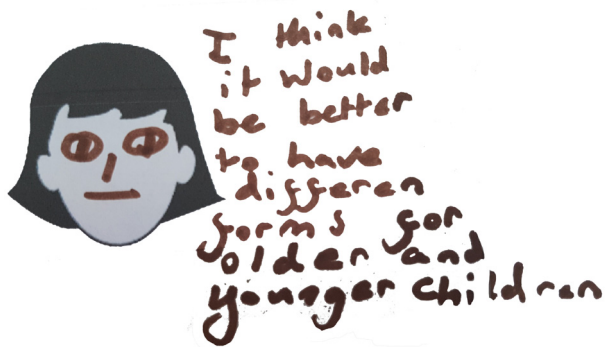
After reviewing the F9.2 letter, the children offered specific recommendations to improve this letter. These are grouped in themes below.

1 Language

The same recommendations as in F9.1 apply to F9.2.

2 Structure

Children felt that the structure of this letter could be confusing at times, especially in terms of placement of certain information. They commented that the first paragraph was confusing and children might not understand straight away why they were receiving the letter. Additionally, the children thought the instructions for the 'What I Think' form were not prominent enough.



Recommendations

- Change structure to say: 'You might remember you got a letter about this a while ago. You have been sent this letter because a Sheriff will need to make a decision about you. A Sheriff (sometimes called a judge) is a person who makes important decisions/choices for children and their families. [Your Dad wants to have you stay with him more often] and the Sheriff now has to make a choice about that.'
- Move instructions for how to fill out and post the 'What I Think' form so it follows the second paragraph instead of at the end of the letter.

3 Getting help

Children were concerned about who they might ask to help them with completing the 'What I Think' form. Most children would ask a parent or carer for help, but if these adults are the ones involved in the case, then the children wouldn't want to ask them for help.

They wondered if there could be suggestions about which kind of adult they could talk to - teacher, social worker, after school club staff etc.

"You can't ask your parents because it's about them and adults might make you change what you say" – Girl, 10

Recommendations

- Suggest list of possible helpful adults in the community who could provide assistance to the child.

4 Posting a letter

Children identified that while it might be exciting to receive something in the post, some children might feel uncertain about how to return their forms. They worried that younger children might not know how to post a letter or know where a postbox is located. Even older children stated that they couldn't think of where a postbox was in their neighbourhood. When this process was unfamiliar, they thought that children would need help from adults in order to return the letter. They identified that these issues might prevent some children from sharing their views using the 'What I Think' form.

"A wee
kid couldn't
put it in the letter
box! They just
couldn't reach!"

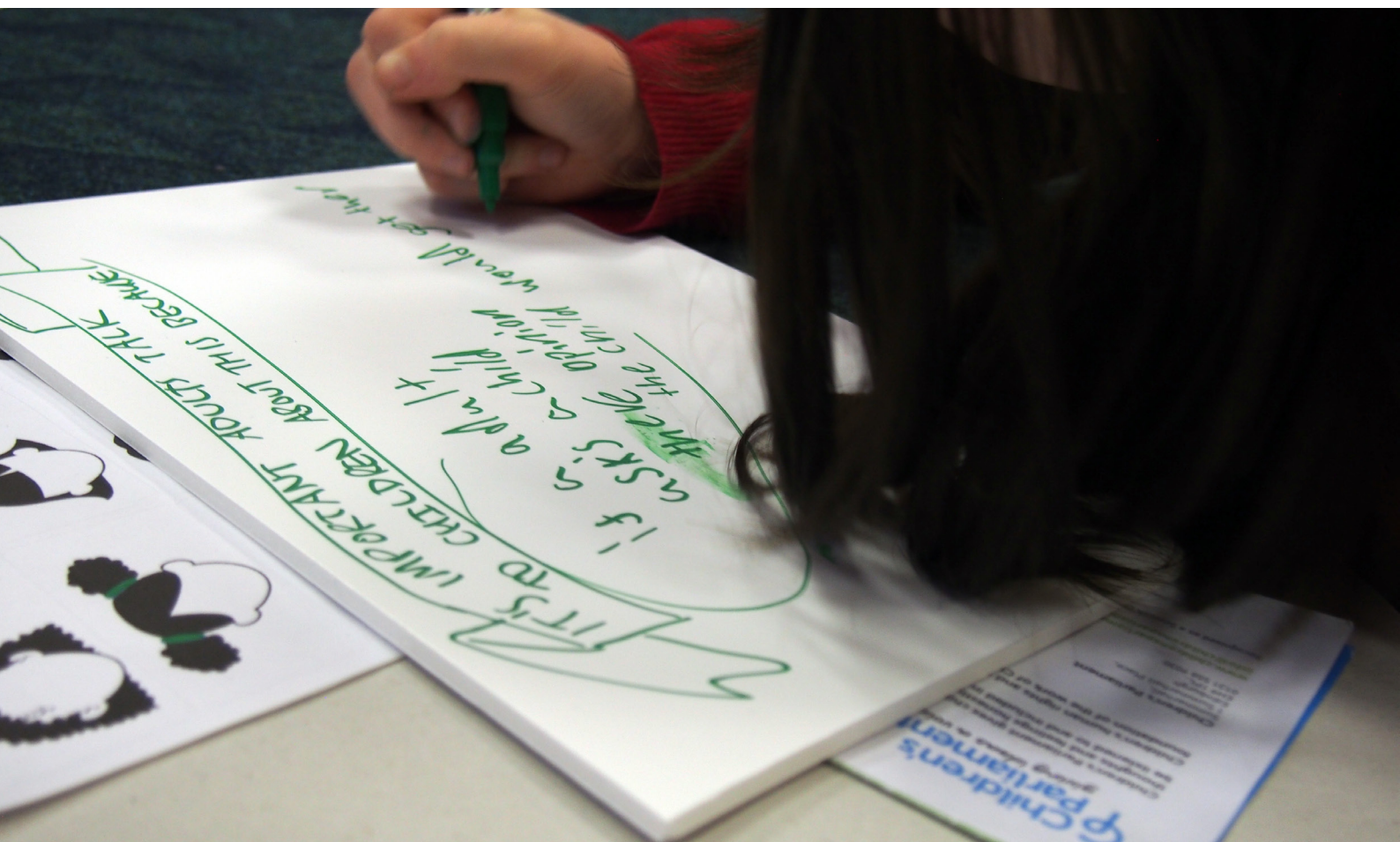
– Girl, 8

Recommendations

- Investigate the possibility of having an online form for children to complete instead of the hard copy 'What I Think' form.

"[Posting a
letter] might be
quite worrying for a
child if they need to rely
on adults involved to post
the letter and worry about
them seeing what you've
written. It might put a
child off being honest
in their form."

– Girl, 17



Children's views on What I think form

After reviewing the 'What I Think' form, the children offered specific recommendations to improve this letter. These are grouped in themes below.

1 Language

In terms of wording children generally found the form easy to understand but recommended some changes to make the form clearer and easier for younger children and to encourage them to share their opinions.



Recommendations

- Change the title to say 'What I Think form' instead of 'What I think' so it is easily identifiable as the form referenced in the F9.2 letter.
- Instead of 'would you prefer to say what you think in a different way?' consider 'would you like to say what you think in a different way?' or 'would it be easier to say what you think in a different way?'
- Consider adding the question 'why do you feel this way?' as a follow up question after 'how do you feel about [xxxx] right now?' This would encourage children to explain their feelings.
- Change wording from 'The Sheriff will decide what happens next' to 'The Sheriff will think about what you've said and use it to make a decision about what happens next' to help children feel their input has value.
- Use fonts, background colours and other techniques that help children with dyslexia.

"That last sentence makes me feel frustrated and confused. Well, that was a big waste of time because it doesn't matter what you say..."

– Girl, 12

2 Design

Children felt strongly that the form needed to have a more interesting design to make it more engaging for children. Children drew illustrations of aspects of the form and suggested that this would help children understand everything being said.

“Having pictures like a storybook would help the wee kids understand too.”

– Girl, 10

“I think they should have pictures of things like butterflies and rainbows and footballs to help keep kids calm.”

– Girl, 8

Recommendations

- Include illustrations on the form to make it feel more child friendly. For example, “they could draw the Sheriff Court and chairs to help kids know what it is all about” (Girl, 8).
- Have two design options - one for children 12 years and under and another for children over 12.
- Use borders, patterns and lots of colour for the under 12 years and consider using larger paper (A3) and font for younger children.
- Help children pay attention to important parts of the form by using colour and interesting and exciting features, such as arrows and font design.

3 Use of smiley faces

Children felt that in general the smiley faces were clear and easy to use, appreciating that children might find it overwhelming or difficult to put their feelings into words. While the majority of younger children responded positively to the smiley faces, some older children wondered whether these might be inappropriate for those older than 12.

“For older children, faces can be quite patronising. Puts us off filling in the form. Maybe just asking how they feel and why and getting rid of the silly smiley faces might allow them to use their own words and express themselves better.” – Girl, 17

Recommendations

- An alternate or additional way to help children show their feelings could be to use a thumbs up, thumbs down and thumbs in between graphic. Children noted that these were used in schools from P1 and so even the smaller children are familiar with what they mean.
- Create separate forms for children 12 years and older.

4 Drawing

Children strongly recommended that children should be allowed and encouraged to draw instead of write if they chose. They suggested that for younger children it may be too difficult or overwhelming to write, but that children of all ages enjoy drawing.

Recommendations

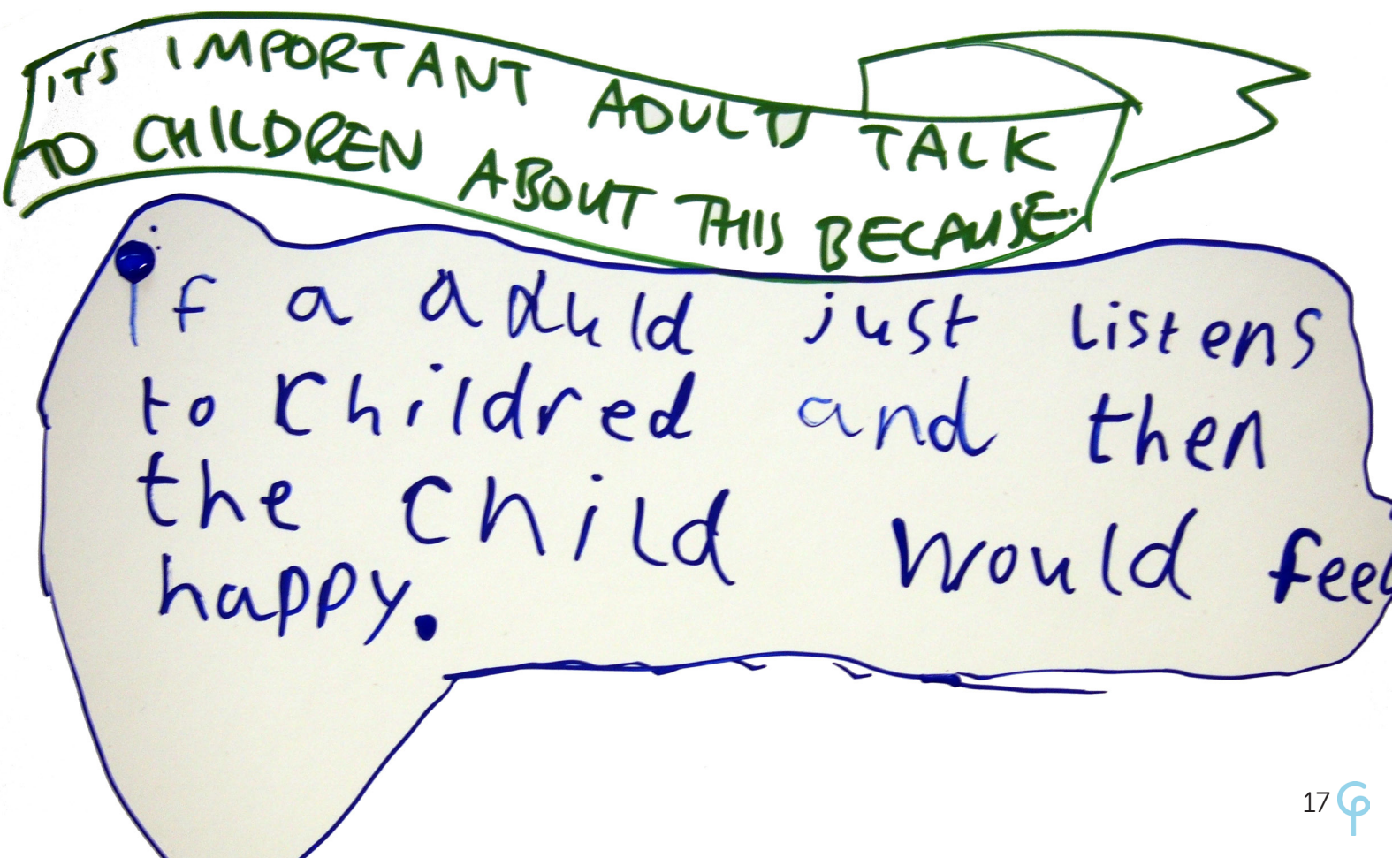
- Option to draw instead of write should be made explicit for children.
- The form to include the statement 'write or draw a picture here to show what you'd like to happen' or 'write or draw in the box below' to replace the line 'use the box below'.
- Response boxes to be made bigger to allow for children to write and/or draw.

5 Sharing of information

Children expressed concern and discomfort over having to share their personal details on this form. They noted that younger children may not know their address and that many children do not have an email or mobile phone. They worried who would have access to this information and why it would be taken, noting that asking all this personal information at the beginning of the form could discourage and worry some children.

Recommendations

- Consider whether this information is necessary to collect on the form as the child will be identified by the case reference number.
- If additional information is required, explain why this information is needed and who will have access to it.



Final thoughts

In this consultation, the children recommended changes which they felt increased children's ability to take part meaningfully in the discussions about their family, ensuring that their voices were heard by adults making important decisions about their lives.

Children want adults to know that the decisions being made about their families impact their entire life. These decisions need to be taken seriously and children in turn thought seriously about how their input could help children be heard in cases involving the Sheriff Court. The children's specific recommendations will increase the ability of all children to be heard through the F9 forms. Children recognised that some changes might seem small to adults, but they believe that these changes can help children feel more respected and valued.

Children recognise that they are being asked to take part in a serious task and want to contribute and have their voices heard - highlighting that children's natural way of doing this might be quite different from how an adult might share their thoughts and feelings. For some children expressing their feelings in writing will not allow meaningful participation and could contribute to children with limited English, disabilities or literacy issues being excluded from sharing their voices on what happens in their lives. The children emphasised that children should be allowed to share their feelings and thoughts in a way which is natural and familiar to them.

Children found the idea of having to answer questions about their family and go through the court process difficult, frightening and overwhelming, however they appreciated that at times this was necessary. Children highlighted that the way they were treated by adults making decisions made a significant difference in how this was experienced - whether it was an overwhelming, upsetting and demoralising experience or a difficult experience in which they were actively engaged and respected in the process, resulting in feeling proud, confident and listened to.

