

 **Family Justice Quality Circle**

**Family Court Anti-Racist Practice Statement**

**Guiding Principles**

Anti-racist practice seeks to identify where people are discriminated against because of race or being part of [minoritised](https://www.lawsociety.org.uk/en/topics/ethnic-minority-lawyers/a-guide-to-race-and-ethnicity-terminology-and-language) communities, and to take active steps to address the systems, privileges and everyday practices that maintain this unequal treatment.

This statement sets out, together with the Quality Circle *Culture of Respect* document, the principles and actions we will adopt towards this aim. Anti-racist practice extends to how we work together as colleagues and professional court users, as well as with families, children and young people.

**We should speak up when people behave in a way that is disrespectful or unacceptable, whether of families or of colleagues.**

**Treat People as individuals**

* Thoroughly understand the unique experience of each individual through focused active listening and curiosity, ensuring respect for boundaries – this takes time, trust, empathy and respect
* Be aware of prejudices within ourselves, in others and in the Court system.
* Be aware of the potential for stereotyping and bias. Do not make assumptions about someone’s race, ethnicity and culture, based on presenting behaviour or what is recorded about them within assessments or reports.
* Always consider the race, ethnicity and cultural needs of each child, families and adults within the family justice system

**Language:**

* Written and spoken language should be clear and direct, avoiding professional jargon/words.
* It is important that all families have time to understand our court processes/rules, but more so if they are unfamiliar with our systems (social work or the care system) and are new to the country, particularly where English may be a second language.
* Even when spoken English is good, always consider the need for an interpreter in court to enable legal terms and decisions made, to be fully understood in the child and family’s first language.
* Provide time to ensure that the translation /interpretation of any necessary technical language or law is accurate.
* Addressing immigration status should be done with care. It is important to ensure it is not a shorthand for prejudiced thinking as it can demonstrate a proactive step from the family to keep the child safe.
* Always ask children and families how they wish to be identified, in terms of their ethnicity/ethnic background.

**Anti-Racist working**

* Families from black and minoritised communities will have lived experience of racism, which may impact on how they present. When considering whether they should be treated as a vulnerable person or witness because of mental health difficulties, we should be aware that one of the root causes of that illness may be as result of the traumatic impact of racism. (Judges and Lawyers should refer to FPR 2010 PD 3AA, on ‘[racial, cultural disadvantage and abuse’](https://www.justice.gov.uk/courts/procedure-rules/family/practice_directions/practice-direction-3aa-vulnerable-persons-participation-in-proceedings-and-giving-evidence)
* Intersectionality: the different aspects of identity and their social implications can deepen experiences of racism, discrimination, and oppression, in terms of being Black, male, unemployed, working class, poor health (including mental health), disabled, LGBTQ+ etc.
* Research reveals there is an overrepresentation of black children in our care system, within school exclusions and within adult mental health and criminal justice services. We need to consider the cause of the behaviours and plan appropriate support and services within the community.
* Extended family members (which in a number of communities includes non-blood ‘relatives’) can be just as important as the nuclear family and can bring cultural norms and stability to a child’s life. It is important to think about them with children of black, mixed heritage, Asian backgrounds and other minoritised communities, as a source of support and as alternatives to long term foster placements and adoptions. Family members may be overseas and should be considered carefully in the child’s best interests. Take advice from Embassies and High Commissions and undertake [International social work assessments](https://www.cfab.org.uk/services/casework) where needed.
* The needs of unaccompanied asylum-seeking children and young people, as well as families subject to immigration control, should be considered in terms of their displacement, loss and trauma. It should not be assumed that they are unable to care for their children/brothers, sisters and extended family, with appropriate services and support put in place if necessary.
* Wherever possible, ensure that black African, Caribbean/Asian/Muslim fathers (and those from other minoritised communities) are included in assessments, decision making and as potential carers in their children’s lives – even if they are ‘non-resident’ (as they are not always absent). This may provide an opportunity to enhance a child’s cultural and religious identity, as well as look to paternal extended family members being assessed as possible carers if needed.
* Consider the Adultification of black and children in proceedings, whereby black boys and girls can be treated more like adults due to perceptions of them presenting as older or more confident than their white peers. Remember they are children first and foremost. **Be mindful that Adultification can also be a factor across other minoritised groups.**

**Recognising & Challenging Racism**

* A key part of anti-racist practice is ensuring you continue to look at your beliefs and where they come from, and to [educate yourself](https://corambaaf.org.uk/progressing-anti-racist-practice-family-justice-system) about different cultural practices/traditions, customs and norms that may be unfamiliar to you e.g. female genital mutilation, honour based abuse, [forced marriage](https://www.gov.uk/guidance/forced-marriage), Child abuse linked to faith or belief, breast flattening. Be aware that these issues can impact on white communities too.
* It is normal for all of us to have prejudiced thinking, but anti-racist practice encourages us to educate ourselves and ask questions as opposed to acting upon our beliefs.
* Consider diverse communities’ religion and cultural festivals, such as Ramadan, Eid, Chinese New Year, Yom Kippur, Diwali. Be mindful of families who may be fasting for Ramadan for instance, when arranging appointments and court hearings.
* Don’t just consider ‘cultural competence’, which relates to reading/researching about someone’s culture from a white privileged perspective, consider ‘cultural humility’ too, which focusses on continued learning about black & global communities’ beliefs, norms, customs, faith, and traditions. This requires reflection on one’s own beliefs, values and biases and how this may impact on how we receive information and respect the culture and values of others, it encourages us to remain [curious](https://www.youtube.com/watch?v=cVmOXVIF8wc) and be mindful of [*White Privilege*](https://www.bbc.co.uk/bitesize/articles/zrvkbqt)*.*
* It is important to be responsible for calling out and challenging racism when we come across it. Whether amongst colleagues, employees, or families we work with. What could a challenge look like without being confrontational? (e.g., *‘****Can you tell me why you spoke to A in that way’*, and ‘*can you tell me why you used that term to describe A’. Are you aware that the term you used/what you said is not acceptable, respectful of black people, Asian/Muslim people etc and is offensive or racist because’……*?**
* [Microaggressions](https://www.bbc.com/worklife/article/20180406-the-tiny-ways-youre-offensive---and-you-dont-even-know-it) are statements that put white people into a dominant position without being obviously hostile and are a ‘subtle’ form of racism, which people can use intentionally or unintentionally or consider ‘banter’. These are to be avoided when working with Black, Asian, Muslim and diverse communities. It is important to be mindful of what we are saying, the impact this can have and how it is received. (**e.g. *‘you are very well spoken for a black person’, ‘my tan is catching up to yours’, ‘who have you come to see’*-assumptions made based on the colour of a person’s skin, that they are not barristers/social workers/judges, ‘Where are you from…. no but where are you really from’?)**
* Being an ally to lawyers, Children’s Guardians/Family Court Advisors, social workers, Judges and the families with whom we work involves noticing microaggressions, discrimination, assumptions, stereotypes, oppression and racism and feeling confident enough to challenge it, in all its forms, in a nonconfrontational manner, by asking questions and making people aware that what they are saying or doing is discriminatory, offensive, or racist and why.
* Decision makers should be careful **not** to treat everyone the same; instead to respect each other’s cultural & racial differences, ensuring that everyone is treated fairly and equitably.
* Human Rights (as set out in the European Convention of Human Rights) are essential to the work of the Family Court.  Article 14 of the Convention requires that all the rights and freedoms that it provides (this includes rights to liberty, a fair trial and to a family and private life – as well) must be protected and applied *without discrimination*.
* Everyone in Court should feel free to raise concerns about less favourable treatment and everybody should listen to and consider these claims. It is very important that people should not be prevented from doing this. It should be considered a protected act. It may be victimisation if individuals are treated negatively as a result. It is important to remember that many advocates and others will be concerned about raising issues of discrimination. They will be worried that they may upset the Court or other decision-makers.
* We need to be open to being challenged and to recognise in ourselves that this might be difficult and uncomfortable and be aware of possible defensiveness we may have about this.

Thanks to Parent E, Millie Kerr and all who participated in the Quality Circle meeting on anti-racist practice in 2021 & the parents and young people who discussed the text in 2022.



**FAMILY JUSTICE QUALITY CIRCLE**

**INFORMATION**

Quality Circle is an initiative by social workers and lawyers in Sussex who have created a self-regulating, independent group of practitioners with the aim of identifying the most effective or promising practices and bringing about beneficial change in the family justice system in Sussex.

The focus is on legal proceedings concerning children and is multi-disciplinary i.e., it is open to social workers, solicitors, barristers, legal executives, academics, LA lawyers, psychologists, psychiatrists, Cafcass, ISWs and the Police. The meetings are usually attended by Judges & magistrates also.

Those participating in Quality Circle are committed to working collaboratively and enabling relevant research, guidance and policy initiatives to be disseminated widely. The work of the group is action orientated (for example encouraging a consortium to provide training to magistrates.

Our work is complemented by our Parent and Young Person Panel made up of people who have experienced the family justice system as young people or parents.

The group met first in November 2017 and has met regularly ever since. It has covered subjects such as: anti-racist practice, the voice of the child, trauma-informed practice and domestic abuse. A good example of the group’s approach has been sessions on “Creating a Culture of Respect” inspired by an article by “Surviving Safeguarding” about how alienating many families feel Court can be. The outcome was a manifesto which was approved and adopted by the Sussex Family Justice Board and published by Nuffield Family Justice Observatory with whom we work closely. This “Culture of Respect” document lays out our guiding principles of respect, equality and inclusion.

**Meetings**

Meetings take place every other month. People’s time is at a premium and so the duration is generally about 75 minutes. In normal times, seating is in the round to promote discussion – since the pandemic we have moved the meetings online.

Contributions from newly qualified practitioners are particularly welcome. Participants are encouraged to identify practical examples of improvements to practice with a view to these being discussed/adopted/modified in the discussion and actioned through the Sussex Family Justice Board. Written material is disseminated regularly to the mailing list (of over 900 practitioners). To join our list (or be removed) email: brighton.events@1cor.com

**Volunteers**

The Quality Circle welcomes volunteers to help its work and provide suggestions for subjects that should be explored/research that should be disseminated.

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