

Department of Health

Public Consultation on the Independent Review of Children's Social Care Services

**Response from the Commissioner Designate for
Victims of Crime for Northern Ireland**

November 2023

About the Office of the Commissioner Designate for Victims of Crime

The Commissioner for Victims of Crime's Office (CVOCO) is an independent body which represents the interests of victims of crime in Northern Ireland. The Commissioner Designate was appointed by the Minister of Justice in March 2022 to be an independent voice for victims of crime. The overarching purpose of the Commissioner Designate is to represent the needs and interests of all victims of crime and help drive systemic improvements across the criminal justice system.

This will include helping to identify any areas where victims are not consistently being provided with their entitlements set out within the Victim Charter and ensuring that their issues and experiences are raised in the public arena, with Government, with criminal justice organisations and organisations that support and represent victims, in order to bring forward effective change.

General Comments

The Commissioner Designate welcomes this Independent Review of Children's Social Care Services and recognises the hard work that has gone into producing this worthwhile report.

The Review recognises the 'toxic trio' of poor mental health, drug and alcohol misuse, and domestic violence and their effects and highlights how the pressures of poverty impinging on stressed and sometimes overwhelmed parents are likely to make these issues more prevalent. The Commissioner Designate has met several victims of crime who have entered the child social care system due the presence of one or more of the 'toxic trio' only to have found themselves exposed to further harm and risk of exploitation.

These experiences echo the findings from the University of Edinburgh's report for the Nuffield Foundation - *Causes and Impact of Offending and Criminal Justice Pathways: Follow-up of the Edinburgh Study Cohort at Age 35¹* – which found that early and intensive formal system contact (especially care experience) is strongly associated with later justice system contact and a range of other negative outcomes.

¹ [ESYTC Report \(4.3.22\) \(nuffieldfoundation.org\)](#)

According to the Children's Social Care Statistics for Northern Ireland 2021/22², at 31 March 2022, 2,346 children and young people were listed on the Child Protection Register in Northern Ireland. This represented 53.2 children per 10,000 population under 18 years of age. Clearly if we can tackle problems around social care, child poverty and deprivation at the source then the impact on criminal outcomes and therefore on victims of crime would be immense.

With this in mind and given the importance of understanding the dynamics of domestic abuse and how this impacts on family and children, the Commissioner Designate particularly welcomes recommendation 16 which states that there should be further development and deployment of multi-professional and multi-agency frontline teams and services to assist children and families. The Commissioner Designate strongly agrees that these teams should include domestic violence specialists who can help shape and inform risk assessments and decision making ensuring a broad and holistic assessment of a child's needs. Early intervention and supporting parents with multi-disciplinary teams could bring great benefits to those in family courts and the benefits of such multi-agency work can be seen in the pilot Pathfinder courts referred to below

Consultation questions

The Commissioner Designate recognises that the children's social care system must be effective if we are to uphold our responsibility to keep children safe and supports the Department of Health's work in reforming this area. Given however that the majority of recommendations are beyond the scope and expertise of her office, she has therefore focused her response on the recommendations regarding the family court system.

The Commissioner Designate agrees with the Review's initial recommendation that Northern Ireland is not that large compared to the rest of the UK and to the Republic of Ireland and this should be considered in how children's services are organised and delivered and believes this applies particularly to the family court system.

The Right Honourable Lord Justice Gillen in his Review of the family courts³ said:

"There is no reason whatsoever why the family justice system in Northern Ireland should not be one of the most progressive and fairest in the world. With all the benefits of a small jurisdiction, and with the enormous talent at our disposal within

² [Children's Social Care Statistics for Northern Ireland 2021/22 \(qub.ac.uk\)](https://www.qub.ac.uk/childrens-social-care-statistics-for-northern-ireland-2021-22/)

³ [Family Justice Report September 2017 Gillen.pdf](#)

the family justice system, we can quickly and effectively pilot new and creative ideas at minimum cost and be an example to other jurisdictions.”

Q19. Do you agree that the Gillen Review should continue to help shape civil and family justice modernisation priorities? (Recommendation 34)

Recommendation 34: Implement the major recommendations of the Gillen Review of the family courts. (See *Chapter 13, page 205, para 13.74 – 13.79*)

The Commissioner Designate regularly meets with individual victims involved in the family courts and has heard directly from them of the ongoing serious difficulties they face in what is a clearly flawed system. These difficulties include everything from ongoing delays, fears when one parent is forced into contact orders where the other parent is controlling and abusive, parental concern about limited contact with their children, complexities and concerns around expert witnesses and the churn of social workers within Health and Social Care Trusts (HSCTs) – to name but a few.

The Commissioner Designate’s believes the family justice system must have a culture of safety and protection from harm, where children’s needs and safety are central considerations. On a daily basis, family courts in Northern Ireland deal with some of the most vulnerable people in our society and often difficult decisions are made in what can be highly emotive cases, and so it is crucial that the system is able to protect them from further harm and the risk of harm.

The Commissioner Designate welcomes the support for the recommendations in the Gillen Review and agrees that this work should continue to help shape civil and family justice modernisation priorities. She is disappointed that despite the report being published over six years ago, many important recommendations remain outstanding. However given the passage of time, the Commissioner Designate would like to see future work in this area being informed by more recent developments in the family courts in similar jurisdictions such as the recommendations detailed in the Ministry of Justice report ‘*Assessing Risk of Harm to Children and Parents in Private Law Cases June 2020*’.⁴

⁴ [Assessing Risk of Harm to Children and Parents in Private Law Children Cases \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

This report examined how effectively family courts in England and Wales identify and respond to domestic abuse within children's private law proceedings leading to numerous recommendations, including the proposal to move towards a more 'investigative approach to cases' and the piloting of Pathfinder Courts.

The Ministry of Justice report also made the recommendation to establish Pathfinder Courts, with two of these types of courts currently being piloted in Dorset and North Wales. The purpose of establishing the Pathfinder Courts was to improve information sharing between agencies such as the police, local authorities and the courts, provide better support and safer outcomes for child and adult victims and survivors and introduce a problem solving approach that places the child at the centre of the process.

The Pathfinder Courts have been handling private family law cases since early 2022 and formal evaluations of the pilot are pending. Much of the praise generated by Pathfinder Courts is due to the reduced adversarial approach to private family law cases, an emphasis on the child and an abuse-informed approach to cases. In addition to this, the provision of holistic support for parties throughout proceedings has also been extremely beneficial in reducing the stress of the Family Court for families.

The Commissioner Designate is in the process of commissioning research into the experience of domestic abuse victims within the family court system in Northern Ireland in the coming year. This research project will be shaped and informed by the experiences of children and young people and the Commissioner Designate hopes that this report's findings and recommendations will serve as another important resource to inform the modernisation priorities of our family court system.

Q20. Do you agree that informal arrangements between members of the judiciary and leaders of children’s social care services should be put in place as recommended? (Recommendation 35).

Recommendation 35: Create less formal opportunities for the judiciary and leaders of children’s social care services to build relationships and shared agendas to tackle current pressures and difficulties between the courts and children’s social care services. (See Chapter 13, page 208, paras 13.80 – 13.81)

The Commissioner Designate supports recommendation 35 and recognises that, as stated in the Review, there are tensions and difficulties between the courts and children’s social care services which would be helpfully addressed by relationship building and less formal arenas for discussion between the judiciary and local senior managers and leaders within statutory children’s social care services.

This recommendation also aligns with the idea of a fresh culture of problem-solving within the family courts which the Commissioner Designate fully endorses.

Again this very much aligns with the Ministry of Justice report referenced earlier as well as the recent report from the Domestic Abuse Commissioner in England - *The Family Court and domestic abuse: achieving cultural change*.⁵ This report recommends greater transparency and consistency across the whole family justice system, so that a full culture-change programme of training on domestic abuse is provided. This extends to and includes the judiciary, magistrates, magistrates’ legal advisors, and local authority social workers, and specialist domestic abuse services.

The Commissioner Designate had the privilege of seeing this type of arrangement in action in a recent visit to the Dorset Pathfinder Court which she undertook along with the Domestic Abuse Commissioner in England and Wales.

During this visit she met with Judiciary, court staff, social services and domestic abuse support services where it was evident that effective relationships amongst all parties was a key component of success. The Commissioner Designate would therefore wish to see this recommendation also including the need to ensure that domestic abuse service providers are also involved in this informal arrangement.

⁵ [DAC Family-court-report Exec-Summary 2023 Digital.pdf \(domesticabusecommissioner.uk\)](#)

The need for a functioning government and Ministers in place

The ongoing political vacuum has a serious impact on children and families in general and this is reflected throughout the civil and criminal justice system.

The Commissioner Designate also recognises the underlying issue identified in this Review - that is the limitations of the workforce and capacity across the courts and for the social workers in the HSCTs and the Children's Court Guardian Agency for Northern Ireland.

The problems of delay within the judicial system including within the family courts is one of the key issues the Commissioner Designate has highlighted within her own strategy.⁶

The limitations on the recommendations that can be made within this Review are also recognised by the Commissioner Designate but she would like to state her belief that both a functioning Assembly and additional funding are urgently needed to fully implement the much needed recommendations of not only this Review but also of the Gillen Review.

If you would like to discuss any of these points in further detail, please contact the office via:

Tel: 028 9052 6607

Email: policy@cvocni.org

⁶ [Strategy 2022-2025 \(cvocni.org\)](#)