



Ensuring equality, diversity and inclusion in the Family Court

Introduction

This section of the Pre-proceedings and family justice hub is intended to provide guidance for social workers and their managers to support equality, diversity and inclusion to be considered alongside court and legal processes. This is important to consider at all stages of supporting a family, including in pre-proceedings so that families are appropriately supported to prevent the need for court and to fully contribute to any legal processes that are required.

This guidance includes information on:

- > supporting family members with additional needs
- > the use of intermediaries and advocates
- > the use of interpreters and translators
- > anti-racist practice in the Family Court
- > the impact of lived experience of racism
- > consideration of specialist assessments
- > working with men
- > signposts for working with harmful practices.

Supporting additional needs for children and parents within proceedings

It is important to treat people as individuals and with respect and not discriminate, based on perceptions or assumptions about particular people or groups. Guidance on protected characteristics is also laid out in the [Equality Act 2010](#).

When considering additional needs such as disability, religion, health, sexual orientation or gender identity, and being of an age to understand and contribute to court proceedings, known as [Fraser guidelines or Gillick competence](#), professionals need to ensure that they are giving enough time to all involved to enable their voice and views to be heard.

Parents and children who are illiterate, cannot read or write or who may have communication challenges, such as being deaf or blind, also need to be considered, with the provision of signers and reports in braille wherever possible.

Working with intersecting identities and needs

It is important to consider what adjustments will need to be made as regards access, equipment/communication aids, advocates, disseminating and communicating information and ensuring regular breaks are scheduled.

Multiple needs and aspects of identity need to be considered, which can indicate how an individual can experience multiple levels of discrimination and oppression, based on their gender, class, immigration status, race, ethnicity and religion, for instance. These all need to be considered in terms of how family proceedings may further impact a child or family member's feelings of oppression.

Intersectionality, a term first coined by Kimberlé Crenshaw (1991), involves the acknowledgement that the different aspects of a person's identity may be multi-layered and cannot always be looked at in isolation from each other. This can compound people's experiences of oppression, discrimination and racism. For instance, a single person may be Black, a woman, working class and LGBTQ+. Each of these facets of her identity will interact with one another in ways that may not be immediately apparent. By using an intersectional lens, one can see how different elements of identity can affect the lives of individuals and how stereotypes can play a part in some of our decision making.

This [Supporting young people who identify as LGBTQ+: Frontline Briefing \(2022\)](#) highlights some intersectional experiences of discrimination.

It is important to take into account the needs of children and young people who may have been victims of modern-day slavery and child trafficking, which includes British-born children, being mindful that they will need to be treated as victims of crime and child exploitation in many instances, as outlined in this [video report](#) (Channel 4). As child victims, local authorities, police and others can refer children and young people to the [National Referral Mechanism](#), where their needs as children will be prioritised.

Use of intermediaries and advocates

Children and young people attending court need to be provided with appropriate intermediaries and guardians appointed by the courts, who can provide a step-by-step guide as to what will be happening and why.

The role of an intermediary is defined within the [Family Procedure Rules \(FRP\) 2010](#) as a person whose function is to:

- > Communicate questions put to a witness or party.
- > Communicate the answers given by the witness or party in reply to them.
- > Explain such questions or answers so far as is necessary to enable them to be understood by the person asking the questions.

In addition, non-legal advocates may be beneficial to support parents who may need help to ensure their voice and views are heard and are relayed to the judge, barristers, and other professionals, as well as have someone there for moral support.

[This blog](#) and [Podcast: Role of an intermediary in family and criminal proceedings \(2021\)](#) podcast highlight the role of intermediaries, alongside significant [case law](#) learning:

- > [C \(Children: Welfare\) \(No.2\) \[2020\] EWFC](#)
- > [S \(Vulnerable Parent: Intermediary\) \[2020\] EWCA Civ 763.](#)

Within pre-proceedings and court it is important to ensure children and parents understand all the reports that have been written about them and processes that will take place, in conjunction with the ability to comment and discuss issues they may not agree with or that may not be clear to them.

Throughout any proceedings, it is helpful and beneficial to the child, young person and parent in building trust, to have the same intermediary or advocate appointed for the duration of the process.

The use of interpreters and translators

Prior to booking interpreters and translators for proceedings, it is important to have gleaned the correct dialect as well as the language spoken by the child or parent. Interpreters work with spoken word and translators translate written word.

It is beneficial to use interpreting and translation services which have trained their interpreters on working with local authority Children's Services and court proceedings.

Children's Services and organisations may find it helpful to undertake training on how to use interpreters, to ensure expectations, boundaries, dialect and regional and cultural difference are clear. This will enable professionals to then be clear with interpreters about expectations during meetings and proceedings, minimising interpersonal conversations between parties.

Wherever possible, it will be pertinent to use the same interpreter and translator for all proceedings to aid continuity and build trust.

Confidentiality is important when working with families whose first language is not English, particularly when they come from small black and minoritised communities or where the demographics in communities can make children and parents identifiable. In these circumstances, consider using interpreters and translators from outside of your local authority.

Do not use friends or family members to interpret, as there is a risk of collusion and breaches of individuals' confidentiality around issues that may not be commonly known.

Prior to proceedings, intermediaries, interpreters and translators need to be given the opportunity and time to relay the content of Children's Services and professional reports to the family. However, before this can take place, professionals and legal representatives pre-meet with these professionals to discuss what will be required of them, as regards communicating with the child, young person or parent and agreed processes to be followed for the planned meeting or Family Court proceedings.

Time should also be given before court hearings to ensure the translation of relevant documents, reports and court decisions, where children, young people and parents have English as a second language and where they may be new to the UK, social care systems and court processes. Written translation should also be considered alongside ability to read and write and any learning needs.

If there are gender and religious considerations, ensure that female or male interpreters are booked as required. This is particularly pertinent when talking about sensitive issues such as female genital mutilation (FGM), where a female interpreter may be required. FGM will be touched on later within this guide.

- > **Further guidance by Iriss on using interpreters: [Spoken language interpreters in social work](#)**
- > **Blog on: [Intermediaries working with interpreters](#)**

Anti-racist practice in the Family Court

It is important to be aware that children, young people and families from Black, Asian and minoritised communities will have lived experiences of racism, which needs to be acknowledged as a starting point. Racism can be overt or subtle and take the form of banter or microaggressions, some of which is outlined here in in this video: [An everyday dimension of racism: Why we need to understand microaggressions - YouTube](#). It is essential to be aware of these unconscious and conscious biases when undertaking work within organisations, family proceedings and with individuals to enable us to bring about change in our practice.

Our social care and court processes are Eurocentric and centred around [white privilege](#). These are additional areas for consideration within family proceedings and decision-making.

Do not guess or assume that you know what an individual's ethnicity might be, based on their appearance. Ask families how they wish to identify. The term BAME/BME should no longer be used, with terminology such as Black, minoritised, global majority, minority ethnic etc. being favourable.

> [Why we no longer use the term 'BAME' in government - Equality Hub Blog](#)

When working with children, young people and families, be aware of different cultural practices, parenting styles, customs, beliefs, traditions and norms that may be different from your own. Look at these differences through a strengths-based lens and not through one of deficit when undertaking your assessments, reports, judgements and decision-making.

When working with individuals and families from abroad, who may be subject to immigration control or who are unaccompanied asylum-seeking children (UASC) and refugees, social workers, lawyers and the family justice system must pay particular attention to the language, jargon, labels, acronyms and the court processes, which may be unfamiliar to parents and children. It is also pertinent to take into account the needs of UASC and young people, in terms of language barriers, their experiences of loss, separation, bereavement, and trauma [DfE \(2017\)](#).

It is important to recognise that it is uncomfortable to have uncomfortable conversations about race and racism and demonstrate a willingness to educate yourself and challenge your beliefs and biases. Learning to become [anti-racist](#) is a journey and a way of being.

The COVID-19 pandemic has made family proceedings and hearings challenging for all, but particularly so for individuals with English as a second language, when hearings have been remote. Thus, it is crucial for social care and lawyers to make the time needed to prepare for court hearings with individuals and ensure that interpreters are booked in a timely manner. Even where spoken English is presumed to be good, the nuances of the language used within Children's Services and

the judiciary can still be misunderstood.

Extended family members (which can include non-blood relatives) can play an important role in supporting the childrearing of Black, mixed heritage, Asian and Muslim children, as regards enhancing cultural norms, identity and religion. Ensure different cultural norms and parenting styles, different to your own, are considered through a strengths-based lens, with extended families as possible good alternative options to long-term foster care and adoption. If there is no contact with paternal extended family members, for instance, and a child is in the care of the local authority, what efforts can be made to make contact, also taking into consideration the child's, views, feelings and wishes?

There are similar issues of discrimination, oppression and stereotypes of Gypsy, Roma and traveller communities and this guide for professionals will also be of assistance in enhancing good practice with communities.

- > [A guide for professionals working with Gypsies and Travellers in the public care system \(2017\)](#)
- > [More than faith- Muslim-heritage children in care: Strategic Brief \(2022\)](#)

Speak up and challenge racism and microaggressions that you may observe or hear in a non-confrontational way, whether amongst colleagues, employees, or families with whom we work. Here are some examples: '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, Gypsy, Roma people etc. and is offensive or racist because'.....?

The work of the [Sussex family justice quality circle](#) and members of the anti-racist project, have developed the following guide, which has been ratified by the Sussex Family justice Board, for use in the family courts in Sussex and Surrey and is an example of good practice that others could adopt.

- > [Quality circle family court anti-racist practice statement](#)

Diversity in the judiciary

A key document and guide for the courts on how to treat individuals with respect, fairness and equity, is the [Equal Treatment Bench Book](#) (Judicial college, 2021: p. 207-267) which also highlights that

‘Multi faith, multi-cultural and multi-ethnic communities make special demands on judges and others in the family justice system. Balancing respect for different approaches to parenting within potentially diverse cultural norms and, at the same time, aiming to protect all children from parental maltreatment is a difficult task.’ (p. 248)

Thomas (2021) in his lecture on [Judicial Racism and the Lammy review](#) highlights racism within the court system and what needs to be considered going forward to affect change.

Representation matters, therefore local authorities, organisations and the judiciary will find it beneficial to look at how they can recruit and retain more Black, Asian and minoritised staff members in both front-line service delivery, as judges and within more senior leadership positions, so that we begin to represent the community we serve, who will begin to see more people who look like them. This in turn will begin to greatly assist in building trust and better relationships with communities going forward.

Judges, magistrates and the judiciary may also like to give some attention to anti-racist training within the Family Court, periodically, to enable all to overcome fears and grow in confidence to be able to challenge racist practice wherever it is observed or encountered and provide a safe space to have uncomfortable conversations about race.

- > [Ethnicity in the family Justice system in England - Nuffield Family Justice Observatory \(2022\)](#)

The impact of lived experience of racism

The impact and accumulative impact of racism causes racialised trauma and this can impact individuals’ mental health, in terms of anxiety, depression and poor sleep, for example.

[Mind](#) (2019) states that – ‘Black people are 40% more likely to access treatment [for mental health] through a police or criminal justice route, less likely to receive psychological therapies, more likely to be compulsorily admitted for treatment, more likely to be on a medium or high secure ward and be more likely to be subject to seclusion or restraint (56.2 per 100,000 population for Black Caribbean as against 16.2 per 100,000 population for white). We must stress that there is a hugely complex picture here, but it seems undeniable that Black people get to the sharper end of treatment in the more uncomfortable ways.’

Change is required to combat the mistrust of organisations, the police, and systems that discriminate against Black, Asian and minoritised communities and individuals, based on their, race, ethnicity, religion, culture, sexuality/LGBTQ+, gender, age, health, poverty etc.

Some of these issues are further evidenced in the overrepresentation of Black and mixed heritage children in the care system, in school exclusions and criminal justice systems. A [blog](#) summarising the annual youth justice board statistics showed ‘a youth justice system succeeding in fewer children coming into the system, fewer children in custody and lower reoffending rates, but categorically failing on every count to halt the overrepresentation of Black children throughout the system’ (Fraser, 2022).

Adultification

Practitioners cannot also ignore the recent concerns about adultification, which is a term used to describe how young black boys and girls are considered more confident and streetwise, and treated more adult-like, deemed less vulnerable and in need of less support than their white peers.

Jahnine Davis, from [Listen Up](#) explains adultification in [this short video](#).

An example of lived experience of racism and adultification is a 15-year-old Black girl, Child Q, who was strip searched by the police whilst at school, triggering a [Local safeguarding Practice Review](#) (Gamble and McCallum, 2022). The recommendations from the report provide good guidance and learning on how multi-agency professionals, including the police should undertake and consider their safeguarding responsibilities to children.

Practitioners need to be looking at and considering the causes of the behaviour and think about how they can plan appropriate support and services within the community. Findings from other serious case reviews that highlight the adultification of black boys, would also be helpful to consider when completing assessments and court reports for proceedings (Davis and Marsh, 2020).

Further information on looking at the needs and support for Black, Muslim and minoritised children and families can be found in the links below, which you may also find helpful to provide more cultural contexts to your direct work and reports.

- > [Understanding the lived experiences of Black, Asian and minority ethnic children and families: PSDP Knowledge Briefing \(2020\)](#)
- > [Among the last ones to leave? Understanding the journey of Muslim children in the care system in England - Coram BAAF \(2018\)](#)

Working with men and fathers

When considering anti-discriminatory and anti-racist practice, it will also be helpful to consider our biases, assumptions, and the labels we may ascribe to men and particularly Black men within assessments and court proceedings.

It is important to include Black, Asian and minoritised fathers within care proceedings and assessments, even if they are non-resident within the family home. Being not resident or not living with their child does not mean they are not having contact/family time or wish to have time with their child. Negative stereotypes of the angry Black male, engaged in criminality and drug dealing, can have an impact on biased views and labelling of fathers, if we do not take the time to actively listen to them and be curious about their history and journey. It is also important to bear in mind the intersectional aspects of the person's identity, which can compound their experiences of racism, oppression and discrimination; for example, being Black, male, African and subject to immigration control, or speaking English as a second language.

Grief and Bailey identified in 1990 that the only time fathers received consideration was when they were either a risk to children or a destructive influence in the family. This was also raised by [Clapton](#) in 2009. Serious case reviews consistently find that 'hidden men' are not seen by practitioners – either as a potential risk or as a source of protection and support in children's lives ([NSPCC](#), 2015). With this in mind, what can we do to engage fathers more within social care assessments and court proceedings, particularly when there can be a conception that women/mothers' views are often taken into account more than fathers' perspectives and traumatic histories?

[What about my dad? Black fathers and the child protection system](#) (Gupta and Featherstone, 2015) gives case examples of Black fathers' experiences of being involved within the child protection process.

It is important for Black and mixed heritage children to see positive role models of Black men, other than the negative stereotypes perpetuated by the media. [Video: Dope Black Dads](#) provides an example of positive role models and they also provide training for local authorities, police and multi-agency partners.

- > [Listen: This interview with 'Dad E' explores his experiences as a black father within Children's Services and family justice systems.](#)

Specialist assessments

Social workers can complete culturally competent assessments by asking curious questions and being open to learning about different communities, religions, customs and norms. They may find the use of a [culturagram](#) helpful to gather information and open up wider discussions about individuals and family backgrounds.

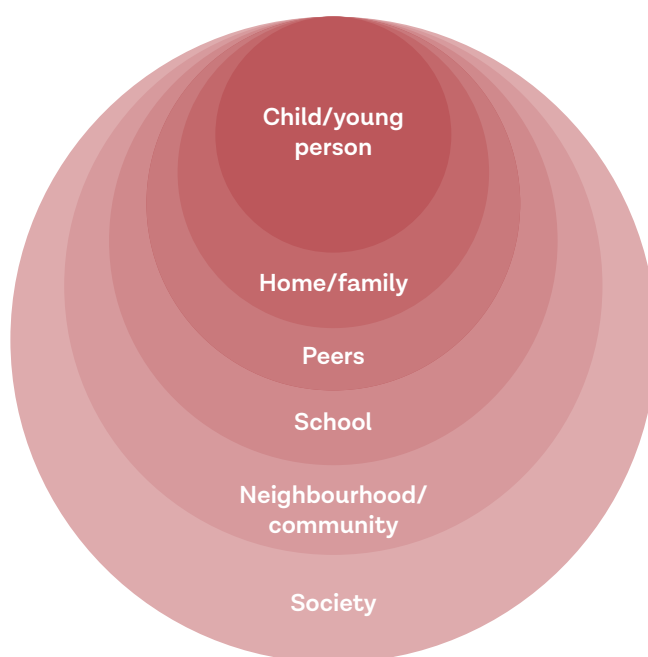
It will also be important to consider children and families' identity, religious and linguistic needs, particularly if working with UASC, Muslim children and children of mixed heritage as well as other minoritised communities.

When working with families/extended family members across borders in different countries and there is need to consider international contact, reunification or the return of a child or young person to the UK, International social work assessments may be of benefit.

> [CFAB | UK Branch of International Social Services](#)

It is also important to consider wider safeguarding concerns and risks outside of the family home. Social workers and multi-agency partners from education and the police can also map their concerns using a **Contextual safeguarding tool** which will assist in highlighting other areas of concern, potentially relating to school bullying, friendship networks of concern, gang involvement and child exploitation (CSE) etc.

You can find more information and guidance around using contextual safeguarding in the [Contextual Safeguarding Briefing \(Firmin, 2017\)](#)



Age assessments are undertaken when there is doubt that an individual who is claiming to be a UASC, may be an adult. These assessments are contentious and need to be undertaken by trained social workers at present and cannot be based solely on what someone looks like, as outlined in the [Age Assessment Guidance \(ADCS, 2015\)](#). This guidance is, however, under review (2022), pending new guidance issued under the 'Nationality and Borders Bill', which is proposing future scientific methods to assess the age of asylum seekers.

- > [News story: Home Office to introduce scientific methods for assessing the age of asylum seekers](#)

Special guardianship orders/kinship care assessments shouldn't just look through a nuclear family or Eurocentric lens of expectations or through a deficit lens, but take a strengths-based approach, asking inquisitive and curious questions, when considering differing parenting styles, beliefs, cultures, customs and traditions different from our own. They should also consider the importance of religion and religious festivals to many Black, Muslim and minoritised communities and individuals.

The same considerations need to be made regarding children, families and carers whose cultural heritage is not immediately evident through their perceived ethnicity. For example, children from Gypsy, Roma and Traveller (GRT) families may 'look' white, but have cultural values and religious beliefs that differ from normative white British culture. It is important to remember that cultural heritage is something that everyone has, not just families from minoritised ethnic groups. Careful and individualised consideration of each case can facilitate culturally appropriate support.

Anti-racist practice training for carers/foster carers may also be helpful, when children are placed in bi-racial foster placements, to equip carers to work with the identity needs of Black, mixed heritage and Muslim children overrepresented within the care system. Training will also improve carers' ability to talk to children about race and racism and to challenge oppression, discrimination and racism whenever they might encounter it.

Additional preparation

As indicated with the section on interpreters and intermediaries, enough time needs to be set aside and planned for to read through reports with parents and children, bearing in mind the need to take into consideration any disability or neurodiversity issues etc. Reports should be written clearly and in jargon-free plain English.

Translated documents preparation

Additionally, consider what information local authorities, organisations and the judiciary already have translated into the different languages of the community we serve, which could be used to explain their services and what happens in the Family Courts. If there are no translated leaflets that explain what services do, this may be a task that organisations and the Family Courts may wish to take forward in making this resource available for our diverse community.

Ensuring equality in remote hearings

It will be important that all involved in remote family proceedings and hearings are given enough time to go through reports with children, young people and parents, taking time to listen to their views, make any adjustments or plans with them, based on any of their protected characteristics. There is also the need to consider language and communication barriers and prepare interpreters and translators/translated reports for young people and families whose first language is not English. Bear in mind that there may be cultural differences around the way people prefer to have important information communicated to them. These may include preferences around making or avoiding eye contact, specific use of language, preference for same-gender practitioners or other requests. Preferences may not be shared by all members of a cultural group. Working alongside people to make sure their needs are met and their individual preferences are respected is key.

Working with harmful practices

This section provides information and signposting to harmful practices which includes home office multi-agency statutory guidance for social care, health, education and the police.

- > [Harmful Practices – Safeguarding Network](#)

Female genital mutilation (FGM)

- > [Multi-agency statutory guidance on Female Genital Mutilation \(2020\)](#)
- > [Female genital mutilation \(FGM\) protection orders](#) can be applied for if there is concern that a girl is at immediate risk of being cut, has already been cut/undergone FGM or there is a risk that she will be taken out of the country to have FGM. The FGM protection order can assist in preventing a girl from being taken out of the country, with passports seized and orders stipulating supervised or no contact, with potential family/extended family members who may pose a risk, within the UK and across borders.

Forced Marriage (FM)

- > [Multi-agency statutory guidance for dealing with forced marriage and Multi-agency practice guidelines: Handling cases of forced marriage \(2022\)](#)
Forced marriage orders play a similar role to FGM protection orders in terms of preventing a girl/boy from being taken out of the country and married against their will, with additional protection available if there is a risk of honour-based abuse (HBA).
- > [Guidance on applying for a forced marriage protection order](#)
- > [Rubie's Story - Forced Marriages and Honour Based Abuse \(video\)](#)

Other helpful links

- > [Child Abuse Linked to Faith or Belief – National FGM Centre](#)
- > [Breast Flattening/ironing – National FGM Centre](#)
- > [Karma Nirvana](#) - provide help and advice for victims of forced marriage and honour-based abuse, as well as advice and training for professionals.

Neurodiversity considerations

- > [Black Neurodiversity: The Intersectionality and Representation of Neurodivergence in the Community – Elevate Young Minds](#)
- > [Intersectionalities with Neurodiversity – Neurodivergent Network](#)

Additional resources

- > [Progressing anti-racist practice in the family justice system | CoramBAAF](#)
- > [Family Justice Young People's Board - Cafcass - Children and Family Court Advisory and Support Service](#) provides tips for working with children with different needs
- > [Confident practice with cultural diversity: Frontline Briefing \(2017\)](#)
- > [What we do – Listen Up](#)
- > [Engagement with support services for ethnic minority communities \(2021\)](#)
- > ['Where are the Black girls in our CSA services, studies and statistics?' - Community Care](#)

Appendix 1: 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 membership of minoritised communities, and to take active steps to address the systems, privileges and everyday practices that maintain this unequal treatment, whether they be intentional or unintentional.

This statement seeks to set out, in conjunction 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 professionals interact or behave in a way that is disrespectful or unacceptable, whether of families or of colleagues.

Treat People as individuals

- > We should start with the unique experience of each individual through focused active listening and curiosity – 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 children, families and adults within the family justice system
- > Strive to deepen our understanding of both the structures of racism and the development of cultural competence and cultural humility (ongoing reflections and curiosity).

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 – for example, being new to the country, not understanding social work or care system. More time will be needed with their legal representatives, social workers, Children's Guardians and in court hearings, to ensure families from black and minoritised communities understand court processes/rules and etiquette – 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 can represent a strongly positive narrative. It is important to ensure it is not a shorthand for prejudiced thinking.
- > Always ask children and families how they wish to be identified, in terms of their ethnicity/ethnic background.

Anti-Racist working

- > Be aware that families from black and minoritised communities will have lived experience of racism, which may impact on how they present. The cumulative impact of racism is trauma and impacts on people's mental health, in terms of anxiety and depression. 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')
- > Intersectionality: the different aspects of identity and their social implications can multiply inequalities and may further compound experiences of racism, discrimination, and oppression, in terms of being Black, male, unemployed, working class, poor health (including mental health), disabled, LGBTQ+ etc - particularly in terms of institutional and structural racism.
- > 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, not just 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 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, but this should not exclude them from caring for their children/brothers, sisters and extended family, with appropriate services and support put in place.

- > 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 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.

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 about different cultural practices/traditions, customs and norms that may be unfamiliar to you e.g. female genital mutilation, honour based abuse, forced marriage, Child abuse linked to faith or belief, breast flattening. Be aware that these issues can impact on white communities too.
- > 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 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 and be mindful of White Privilege.
- > It is important to be responsible for calling out and challenging racism when we come across it. Whether amongst colleagues, employees, or families with whom 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 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. (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 may need to reflect on whether they are working on a feeling that they ‘treat all people the same’ – and consider whether there is less favourable treatment because of race.
- > 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.

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