



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 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.

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