

Judges/Lay Judges_ENGLAND**Dear Judge and Lay Judge (magistrate),**

This survey is part of a four-country study of decision-making in child welfare systems in Norway, Finland, England and the United States. Judges and other relevant court decision makers in all four countries are presented with the same questions and sample case studies. We are interested in understanding what factors you consider in decision-making, as well as your practice experiences. This survey should take around 9-13 minutes to answer. Since this is a four country study, some questions may not be relevant within your system. If so, please use the 'not applicable' (NA) category.

Your identity will be hidden.

Read more about confidentiality and hidden identity [here](#). (Opens in a new window.)

1) In your experience with decision making in care order proceedings in court, would you say that typically parents:

	Highly agree	Agree	Neither agree nor disagree	Disagree	Highly disagree
a. are well informed about their rights?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. are well informed about the care order proceedings?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. have their views well presented?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. have sufficient opportunity for them or their legal representative to ask questions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. have legal representation that properly safeguards their interests?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



2) In care order proceedings in court, does the written documentation typically provide you with sufficient information about the parents' views?

☐ NA ☐ Yes, usually ☐ No, not usually



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The following criteria must be fulfilled for this question to be shown:

- (
 - ☐ If "In care order proceedings in court, does the written documentation typically provide you with sufficient information"

•)

about the parents' views?" equals "No, not usually"

3) What would you usually like to have more information about?

**4) In care order proceedings, do the oral hearings typically provide you with significant additional information (beyond the court reports) about the parents' views?**

☐ NA
 ☐ Yes, usually
 ☐ No, not usually

5) If you have reflections about parents' participation in care order proceedings in court (either directly or indirectly through their legal representative) that you wish to share, please use the open answer category:

**6) In your experience with decision making in care order proceedings in court, taking children's age and understanding into account, would you say that typically, children:**

	Highly agree	Agree	Neither agree nor disagree	Disagree	Highly disagree
a. are well informed about their rights?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. are well informed about the care order proceedings?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. have their views well presented?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. have the opportunity for them or their legal representative to ask questions?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. have guardians or legal representation that properly safeguards their interests?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



7) In care order proceedings in court, does the written documentation typically provide you with sufficient information about the child's views?

- ☐ NA ☐ Yes, usually ☐ No, not usually



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The following criteria must be fulfilled for this question to be shown:

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 - ☐ If "In care order proceedings in court, does the written documentation typically provide you with sufficient information about the child's views?" *equals* "No, not usually"
-)

8) What would you usually like to have more information about?



9) We would like to hear your opinions about the conduct of care proceedings in your country in terms of its 'child friendliness' in courts. Please consider the following statements:

	NA	Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree
a. children's right to express their views is followed well in my country's court system	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. care order proceedings are conducted in a child-sensitive time frame	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. the courts offer a child-friendly environment	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. the courts use child-friendly language	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. evidence and statements by children are collected in a child-friendly manner	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. children's rights serve as the paramount frame for our decision making in care order proceedings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

10) If you have reflections about children's participation in care order proceedings (either directly or indirectly through their legal representative) that you wish to share, please use the open answer category:



11) Does your personal knowledge of research evidence typically inform your decision making in care order proceedings?

☐ A lot ☐ Some ☐ A little ☐ Not at all



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The following criteria must be fulfilled for this question to be shown:

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 - ☐ If "Does your personal knowledge of research evidence typically inform your decision making in care order proceedings?" *equals* "Some"
 - ☐ or
 - ☐ If "Does your personal knowledge of research evidence typically inform your decision making in care order proceedings?" *equals* "A lot"
 - ☐ or
 - ☐ If "Does your personal knowledge of research evidence typically inform your decision making in care order proceedings?" *equals* "A little"
-)

12) Can you recall any research or research topic that you found valuable to your work?



13) Except for the appeal courts, does anyone regularly evaluate the quality of the care order decisions that you make? Select only those that apply.

- ☐ No one
- ☐ Yes, co-decision makers in my court, co-judges, or peers
- ☐ Yes, a more senior judge or senior expert
- ☐ Yes, a government inspection/regulatory agency
- ☐ Other

14) In your experience, what, if any, are the most important agencies (or individuals) that provide oversight of care order proceedings in courts like the one you work in?



15) Based on your experience in the last 12 months, how confident do you feel in the QUALITY of:

	Highly confident	Confident	Neither confident nor sceptical	Sceptical	Very sceptical
a. the decisions you make in care order proceedings?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. the decisions your colleagues make in care order proceedings?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. the recommendations your local child protection agency makes in cases about care order proceedings?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. the legal advice that parents receive in in care order proceedings?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. the overall support and advice the child(ren) receive in care order proceedings?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



The following are statements regarding the use of court ordered independent experts in care order proceedings. Independent experts are professionals (for example a psychiatrist) that the court assigns to assess a child or family.

16) Please rate the current typical practice at your court.

	NA	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
a. Independent experts in care order cases usually give the court an important second opinion	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Independent experts are only ordered when the child protection agency has not provided sufficient information in the case material	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. In general, independent experts tend to be ordered too often in care order cases	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
d. Court ordered independent experts usually delay decision making regarding care orders	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
e. Independent experts elicit a child focus in the care order proceedings	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
f. Independent experts usually end up confirming what was already known in the case	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



17) The following questions concern the amount of time you have available to read and hear the evidence for a final hearing in care proceedings:

	NA	Never	Rarely	Sometimes	Most often	Always
a. Given the circumstances at your court, how often do you feel as though you have sufficient time to fully review all of the court documents provided in advance of your decision?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. Given the circumstances at your court, how often do you feel as though you have sufficient time to fully hear all of the parties' arguments in the hearing in court?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Answer options Q19:

x5 minutes or less
 x10-30 minutes
 x31-60 minutes
 x60 minutes-1,5 hours
 x1,5 hours-2 hours
 x2 hours-2,5 hours
 x2,5 hours-3 hours
 x3 hours-3,5 hours
 x3,5 hours-4 hours
 x4 hours-4,5 hours
 x4,5 hours-5 hours
 x5 hours-5,5 hours
 x5,5 hours-6 hours
 x6 hours-6,5 hours
 x6,5 hours-7 hours
 x7 hours-7,5 hours
 x7,5 hours-8 hours
 x8 hours-8,5 hours
 x8,5 hours-9 hours
 x9 hours-9,5 hours
 x9,5 hours-10 hours
 x10 hours-11 hours
 x11 hours-12 hours
 x12 hours-13 hours
 x13 hours-14 hours
 x14 hours-15 hours
 x15 hours-17 hours
 x17 hours-19 hours
 x19 hours-21 hours
 x21 hours-25 hours
 x25 hours-30 hours
 x30+ hours

18) On average, approximately how much time do you usually spend reviewing court documents in anticipation of a typical final hearing in care proceedings?

Select answer

19) On average, approximately how much time (including preparatory work, oral hearing, after work) do you usually spend on a typical final hearing in care proceedings?

20) Please identify the three most important changes that you believe could improve the decision making process relating to care orders in your court:



We ask you to imagine that a principal at a school in your region asks your opinion, as a decision maker in child protection cases, about the following situation:

Jon (11) and Mira (9) are living with their parents. Both the mother and father have learning difficulties and mental health problems. The school is very concerned about the situation, and a psychologist has examined the children. She has concluded that Jon and Mira have

serious problems with learning, and they lack social skills. They are clearly lagging behind their peers, and this is confirmed by their test scores. The psychologist has stated that this is due to lack of stimuli and help from the parents, and the children need a lot of help and support. Further, the psychologist stated that the children lack basic social skills, especially Mira (9). The parents are socially withdrawn and cannot teach and show their children how to behave towards friends and other adults. The psychologist concludes that Mira and Jon are at significant risk of becoming as socially withdrawn as their parents.

21) Based on the limited information about these two children, please consider these five statements:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
1. It is my opinion that it is likely that Mira and Jon are being neglected by their parents	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
2. It is my opinion that without help now it is not likely that Jon and Mira will lead a well-functioning life as adults.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
3. It is my opinion that without help now it is not likely that Jon and Mira will be able to gain employment as adults	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
4. In this situation a child welfare agency should provide services for Jon and Mira	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
5. In this situation a child welfare agency should consider a care order	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



Background and demographic questions

22) Gender

- ☐ Male
- ☐ Female

23) Age

- ☐ Under 25
- ☐ 25-35
- ☐ 36-45
- ☐ 46-55
- ☐ 56-65
- ☐ 65+

24) As a judge or lay judge, do you primarily work with child protection cases?

- ☐ Yes, 95-100 % of my work time
- ☐ Yes, 75—94 % of my work time
- ☐ Yes, 50-74 % of my work time
- ☐ No, about 25-49 % of my work time
- ☐ No, about 1-24 % of my work time

25) How many years have you worked as:

		Less than					
	NA	0 years	1 year	1-4 years	5-9 years	10-14 years	15+ years
a. a lawyer in child protection issues?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
b. a (lay) judge in child protection?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
c. a (lay) judge?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

**Svaralt. spm. 26:**

- xVet ikke
- xMindre enn 1
- x1-4
- x5-9
- x10-14
- x15-19
- x20-24
- x25+

26) Approximate work place size measured by number of judges and lay judges/magistrates conducting care order proceedings (please calculate the number in terms of 'full time equivalents'):

Select answer

27) Approximately how many final care hearings do you hear per 6 months?

Select answer

**Svaralt. spm. 28:**

- xVet ikke
- x1-3
- x4-5
- x6-7
- x8-10
- x11-13
- x14-15
- x16-19
- x20-25
- x26-30
- x31-35
- x36-40
- x41-45
- x46-50
- x51-55
- x56-60
- 65+

28) What is your education? (tick off those that apply)

- ☐ BA or BSc in law, or LLB (i.e. law degree)
- ☐ BA or BSc in other discipline
- ☐ MA or MSc in law, or LLM or JD (i.e. post-graduate degree in law)
- ☐ MA or MSc in other discipline
- ☐ PHD in Law
- ☐ PHD in other discipline
- ☐ Other/professional qualifications

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The following criteria must be fulfilled for this question to be shown:

- (
 - ☐ If "What is your education? (tick off those that apply)" equals "BA or BSc in other discipline "
 - ☐ or
 - ☐ If "What is your education? (tick off those that apply)" equals "Other/professional qualifications"
 - ☐ or
 - ☐ If "What is your education? (tick off those that apply)" equals "PHD in other discipline "
 - ☐ or
 - ☐ If "What is your education? (tick off those that apply)" equals "MA or MSc in other discipline "
-)

29) If you answered 'other discipline' to the previous question, or if you have professional qualifications in any field, please give the subject(s):

**30) * In which capacity do you work in the court?**

- ☐ Judge
- ☐ Lay judge (magistrate)

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The following criteria must be fulfilled for this question to be shown:

- (
 - ☐ If "In which capacity do you work in the court?" equals "Lay judge (magistrate)"
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31) Have you received any training about child protection for the position as a lay judge/magistrate?

- ☐ Yes
- ☐ No

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The following criteria must be fulfilled for this question to be shown:

Answer options Q32:

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23+

- (
 - If "In which capacity do you work in the court?" equals "Lay judge (magistrate)"
-)

32) How many days per month do you serve as a lay judge (magistrate)?Select answer **33) Please use this space for any additional comments about decision making regarding care order practice as well as any comments regarding this survey form.**

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